A TEXT BOOK
OF
MASONIC JURISPRUDENCE;
ILLUSTRATING THE
WRITTEN AND UNWRITTEN LAWS
OF
FREEMASONRY.

BY
ALBERT G. MACKEY, M. D.,
AUTHOR OF A "LEXICON OF FREEMASONRY," "BOOK OF THE CHAPTER," ETC.

> "I have applied myself, not to that which might seem most for the ostentation of mine own wit or knowledge, but to that which may yield most use and profit to the student."—LORD BACON

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TO THE

HON. JOHN L. LEWIS, Jr.,

GRAND MASTER OF MASONS OF NEW YORK,

I Dedicate this Work,

AS TO ONE

WHOSE LEGAL AND MASONIC ATTAINMENTS WILL ENABLE HIM
TO CRITICALLY JUDGE OF ITS MERITS,

AND

WHOSE KINDNESS OF HEART WILL LEAD HIM TO
GENEROUSLY PARDON ITS DEFECTS.

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PREFACE.

Four years ago I wrote, and soon after published, a treatise on the "Principles of Masonic Law," which was received by the Fraternity with a readiness that convinced me I had not miscalculated the necessity of such a work. In the composition of it I was entering upon a field of Masonic Literature which had, up to that time, been traversed by no other writer. There was, it is true, an abundance of authorities scattered over thousands of pages of Grand Lodge Proceedings, and contained in the *obiter dicta* of Grand Masters' Addresses, and the reports of Committees on Foreign Correspondence. But these authorities were often of a conflicting character, and as often were repugnant to my sense of justice, and to the views I had long entertained of the spirit of equity and reason which pervaded the Masonic Institution. Hence, while receiving much information on various points of Masonic Law, from the writings of distinguished brethren, in different jurisdictions, I was repeatedly constrained to regret that there was no standard of authority by which I might be guided in doubtful cases, and that, with every disposition to stand upon the old ways—

stare super vias antiquas—I was unable to discover any safe beacon to guide me in my search after these ancient ways. I was, therefore, compelled, in most cases, to depend upon my own judgment, and to draw my conclusions as to what was Masonic Law, not from precedent, or usage, or authoritative statutes, but from the deductions of common sense and the analogies of the municipal and civil law, and the customs of other institutions.

It is not, therefore, surprising that in this dearth of light—myself being the humble pioneer in the attempt to reduce the principles of Masonic Law to a systematic science—with no books to guide—no precedents, in repeated instances, to direct me—I should, sometimes, have wandered from the true path, and erred in judgment. My errors were, it is true, conscientiously committed. I gave all the talent, the experience and the legal skill that I had, to the investigation of every question that lay before me—and my mistakes were those, in most cases, inseparable from the condition of the subject I was treating, and from the first attempt to give systematic form to a new science.

But subsequent years of enlarged experience and more extensive research, directed with all the energy I possessed, to the correction of errors, and the review of former opinions, have led me to offer to the Masonic World that result of my labors which is embodied in the following pages.

If I had been consulted on the subject, another edition of the "Principles of Masonic Law," which was first published in 1856, would never have been given to the world; at least, it should not have been sent forth without a diligent correction of those opinions in it, which I now believe to be erroneous. As it now appears, it is not, in every part, a just representation of my views. But the control of the book is not in my hands, and all that I can now do—and I ask this as an act of justice to myself—is to request my brethren, when they shall hereafter honor me by citing my opinions on Masonic Law, to look for those amended views, in this, my latest work, in which I have not felt any shame in correcting the immature theories, in many points, of my earlier labor. There is no dishonor in acknowledging a mistake—there is much, in obstinately persisting in it.

I do not suppose that I shall ever write another work on Masonic Law. Of all Masonic literature it is the most tedious in its details—in the task of composition, the most laborious; and while I have sought, by the utmost care, to make the present treatise one worthy of the Fraternity, for whom I have written it, and to whom I am profoundly grateful for their uniform kindness to me, I shall gladly turn, henceforward, to the more congenial employment of investigating the symbols and the religious teachings of the Order.

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CHARLESTON S. C.,
April, 1859.

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BOOK I.

Foundations of Masonic Law.

The Foundations of Masonic Law are to be found in the Landmarks, or Unwritten Law, and in the Ancient Constitutions, or the Written Law. These will, therefore, constitute the subject matter of the present book.

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THE FOUNDATIONS OF MASONIC LAW.

CHAPTER I.

The Landmarks, or the Unwritten Law

Sir William Blackstone commences his Commentaries on the Laws of England with the succinct definition, that " law, in its most general and comprehensive sense, signifies a rule of action, and is applied to all kinds of action, whether animate or inanimate, rational or irrational." It is in this sense that we speak of the laws of a country as being those rules, whether derived from positive enactment of the legislative authority, or from long-established custom, by which the conduct of its citizens or subjects is regulated.

So too, societies, which are but empires, kingdoms, or republics in miniature, are also controlled by rules of action which are, to their respective members, as perfect laws as the statutes of the realm. And hence Freemasonry, as the most ancient and universal of all societies, is governed by its laws or rules of action, which either spring out of its organization, and are based upon its long-established customs and usages, or which are derived from the enactment of its superintending tribunals.

This difference in the origin of the Laws of Masonry leads to a threefold division of them, as follows:

1. LANDMARKS.
2. GENERAL REGULATIONS.
3. LOCAL REGULATIONS.

The writers on municipal law have made a division of all laws into unwritten and written—the "leges non-scriptæ" and "leges scriptæ."* Applying these terms to the threefold division of Masonic Law, we should say that the unwritten laws or customs of Masonry constitute its Landmarks, and that the written law is to be obtained in the regulations made by the supreme Masonic authority, and which are either general or local, as the authority which enacted them was either general or local in its character.

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* Blackstone defines the "unwritten laws" as those whose "original institution and authority are not set down in writing as acts of parliament are, but receive their binding power and the force of laws by long and immemorial usage, and by their universal reception throughout the kingdom." And he defines the "written laws" to be the "statutes, acts or edicts made by and with the advice and consent of the lords spiritual and temporal and commons in parliament assembled."—*Comment. Introd.*, § 3. The civil law of the Romans made a similar distinction into the "jus scriptum" and the "jus non scriptum," the latter or unwritten law being also called the "jus moribus constitutum," or the law founded on "consuetudo inveterata," or immemorial custom. The Hebrews, too, had their double set of laws, the written, which are found in the Pentateuch, and the oral, said to have been given by God to Moses, to be by him orally communicated to Aaron and the elders, and thence traditionally handed down to future generations.

Of the nature of the Landmarks of Masonry, there has been some diversity of opinion among writers;* but perhaps the safest method is to restrict them to those ancient, and therefore universal, customs of the Order, which either gradually grew into operation as rules of action, or if at once enacted by any competent authority, were enacted at a period so remote, that no account of their origin is to be found in the records of history. Both the enactors and the time of the enactment have passed away from the record, and the Landmarks are therefore "of higher antiquity than memory or history can reach."

The first requisite, therefore, of a custom or rule of action to constitute it a *Landmark* is, that it must have existed from "time whereof the memory of man runneth not to the contrary."† Its antiquity is its essential element. Were it possible for all the Masonic authorities at the present day to unite in a universal congress, and with the most perfect unanimity to adopt any new regulation, although such regulation would, so long as it remained unrepealed, be obligatory on the whole craft, yet it would not be a landmark. It would have the character of universality, it is true, but it would be wanting in that of antiquity.

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* "With respect to the Landmarks of Masonry, some restrict them to the O. B., signs, tokens and words. Others include the ceremonies of initiation, passing and raising; and the form, dimensions and supports; the ground, situation and covering; the ornaments, furniture and jewels of a lodge, or their characteristic symbols. Some think that the order has no landmarks beyond its peculiar secrets."—OLIVER, *Dict. Symb. Mas.* All these are loose and unsatisfactory definitions, excluding things that are essential, and admitting others that are non-essential.

† Blackstone says, (Introd. § 3), "the goodness of a custom depends upon its having been used time out of mind; or in the solemnity of our legal phrase, time whereof the memory of man runneth not to the contrary. This, it is, that gives it its weight and authority." All this may be applied in the precise terms to the Landmarks of Freemasonry.

Another peculiarity of these Landmarks of Masonry is, that they are unrepealable. As the congress to which I have just alluded would not have the power to enact a Landmark, so neither would it have the prerogative of abolishing one. The Landmarks of the Order, like the laws of the Medes and the Persians, can suffer no change. What they were centuries ago, they still remain, and must so continue in force until Masonry itself shall cease to exist.

It is fortunate for the stability of Masonry, that Landmarks so unchangeable should exist; they stand in the way of innovations controlling and checking them,* and if sometimes inadvertently violated, are ever bringing the reflective and conscientious Mason back again under their influence, and preserving that general uniformity of character and design which constitutes the true universality of the institution. But it is equally fortunate for the prosperity of the Order, and for its capacity of keeping up with the progress of the age, that these Landmarks are few in number. They are sufficiently numerous to act as bulwarks against innovation, but not sufficient to stand in the way of needful reform.*

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* "The preservation of the ancient customs is a very considerable point in respect to manners. Since a corrupt people seldom perform any memorable actions, seldom establish societies, build cities or enact laws; on the contrary, since most institutions are derived from people of simple or severe morals; to recall men to the ancient maxims is generally recalling them to virtue."—MONTESQUIEU *Spirit of Laws*, V. vii.

The Landmarks of Masonry, so far as I have been enabled to compute them, after the most careful examination, amount only to twenty-five in number, and are as follows:

Landmark First.

THE MODES OF RECOGNITION are, of all the Landmarks, the most legitimate and unquestioned.† They admit of no variation; and if ever they have suffered alteration or addition, the evil of such a violation of the ancient law has always made itself subsequently manifest. An admission of this is to be found in the proceedings of the late Masonic Congress at Paris, where a proposition was presented to render these modes of recognition once more universal*—a proposition which never would have been necessary, if the integrity of this important Landmark had been rigorously preserved.

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* The fundamental principles of Freemasonry are, it is true, the same now that they were in the very beginning of the institution, and must always continue the same. And yet there can be no doubt that, like every other science, Freemasonry is progressive in its character. It must of necessity be influenced by the progress of the age. Even now it is in a transition state in this country, passing from the simply social condition which it presented less than half a century ago to the character of a scientific and philosophical association. For proof of this, look to the Grand Lodge proceedings of 1815 and of 1858. With the progress in literary improvement, the Landmarks do not interfere.

† Smith says that at the institution of the order to each of the degrees, "a particular distinguishing *test* was adopted, which *test*, together with the explication, was accordingly settled and communicated to the fraternity previous to their dispersion, under a necessary and solemn injunction to secrecy; and they have been most cautiously preserved and transmitted down to posterity by faithful brethren, ever since their emigration."—*Use and Abuse of Freemasonry*, p. 46.

Landmark Second.

THE DIVISION OF SYMBOLIC MASONRY INTO THREE DEGREES,† is a Landmark that has been better preserved than almost any other, although even here the mischievous spirit of innovation has left its traces, and by the disruption of its concluding portion from the third degree,‡ a want of uniformity has been created in respect to the final teaching of the Master's order; and the Royal Arch of England, Scotland, Ireland, and America, and the "high degrees" of France and Germany, are all made to differ in the mode in which they lead the neophyte to the great consummation of all symbolic Masonry.[*] In 1813, the Grand Lodge of England vindicated the ancient Landmark, by solemnly enacting that Ancient Craft Masonry consisted of the three degrees of Entered Apprentice, Fellow Craft, and Master Mason, including the Holy Royal Arch.[†] But the disruption has never been healed, and the Landmark, although acknowledged in its integrity by all, still continues to be violated.

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* That proposition is contained in the 7th resolution of the Congress, and is in these words: "Masters of lodges, in conferring the degree of Master Mason, should invest the candidate with the words, signs and grips of the Scottish and Modern rites." If the Landmark had never been violated, the resolution would have been unnecessary. The symbolic degrees being the foundation of all masonry, should never have been permitted to differ in any of the rites.

† Smith thus accounts for this Landmark: "Though there were no apprentices employed in the building of the temple, yet as the craftsmen were all intended to be promoted to the degree of Masters, after its dedication; and as these would receive a succession by receiving apprentices, who might themselves in due time become Masters, it was determined that the gradations in the science should consist in three distinct degrees."—*Use and Abuse of Freemasonry,* p. 46. Lond., 1783.

‡ Dr. Oliver says that "the difference between the ancient and modern systems (that is, between the ancient and modern Lodges in the 18th century) consisted solely in the mutilation of the third degree." See "*Some Account of the Schism,*" &c., which contains a full relation of this disruption of the Royal Arch from the Master's degree.

Landmark Third.

THE LEGEND OF THE THIRD DEGREE is an important Landmark, the integrity of which has been well preserved.[‡] There is no rite of Masonry, practised in any country or language, in which the essential elements of this legend are not taught. The lectures may vary, and indeed are constantly changing, but the legend has ever remained substantially the same. And it is necessary that it should be so, for the legend of the Temple Builder constitutes the very essence and identity of Masonry. Any rite which should exclude it, or materially alter it, would at once, by that exclusion or alteration, cease to be a Masonic rite.

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[*] The *true word*, which is the symbol of divine truth, is the great object of Freemasonry. Any system without it must be imperfect; and therefore in all the various rites, and I might almost say that their name was legion, this true word is sought for, but the search is in each, prosecuted in a different way, which really constitutes the essential difference of the masonic rites.

[†] "It is declared and pronounced that pure ancient Masonry consists of three degrees, and no more; viz: those of the Entered Apprentice, the Fellow Craft and the Master Mason, including the Supreme Order of the Holy Royal Arch."—*Articles of Union between the Two Grand Lodges of England*, 1813. Art. ii.

[‡] "After the union of speculative and operative Masonry, and when the temple of Solomon was completed, a legend of sublime and symbolic meaning was introduced into the system, which is still retained, and consequently known to all Master Masons."—OLIVER, *Landmarks*, vol. ii. p. 169.

Landmark Fourth.

THE GOVERNMENT OF THE FRATERNITY, by a presiding officer called a *Grand Master*, who is elected from the body of the craft, is a fourth Landmark of the Order.* Many persons ignorantly suppose that the election of the Grand Master is held in consequence of a law or regulation of the Grand Lodge. Such, however, is not the case.† The office is indebted for its existence to a Landmark of the Order. Grand Masters are to be found in the records of the institution long before Grand Lodges were established; and if the present system of legislative government by Grand Lodges were to be abolished, a Grand Master would still be necessary. In fact, although there has been a period within the records of history, and indeed of very recent date, when a Grand Lodge was unknown, there never has been a time when the craft did not have their Grand Master.*

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* "No brother can be a Warden, until he has passed the part of a Fellow Craft; nor a Master, until he has acted as a Warden; nor Grand Warden, until he has been Master of a lodge; nor Grand Master, unless he has been a Fellow Craft before his election."—*Old Charges*, iv.

† The mode and time of his election is, in modern times, prescribed by a regulation of the Grand Lodge, it is true, but the office itself exists independently of any such regulation. When installed into office, it is not as the Grand Master of the Grand Lodge, but as the "Grand Master of Masons."—See ANDERSON'S *Constitutions, 2d edit. passim.* The earliest references to the office in English Masonry is in the time of the Emperor Carausius, in the third century, who, as Preston states, "granted the Masons a charter, and commanded Albanus to preside over them in person as Grand Master."—PRESTON, *Illustrations*, p. 125. Oliv. edit.

Landmark Fifth.

THE PREROGATIVE OF THE GRAND MASTER TO PRESIDE over every assembly of the craft, wheresoever and whensoever held, is a fifth Landmark. It is in consequence of this law; derived from ancient usage, and not from any special enactment, that the Grand Master assumes the chair, or as it is called in England, "the throne," at every communication of the Grand Lodge ;† and that he is also entitled to preside at the communication of every Subordinate Lodge, where he may happen to be present.‡

Landmark Sixth.

THE PREROGATIVE OF THE GRAND MASTER TO GRANT DISPENSATIONS for conferring degrees at irregular times, is another and a very important

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* "The Grand Master is not a creation of the General Regulations, the Ancient Charges or Written Constitutions. He existed when all those that we know anything of were made."—*Com. of Correspond. G. L. N. Y.*, 1851.

† The Thirty-nine General Regulations, adopted in 1721, acknowledged this Landmark in the following words: "The Grand Lodge consists of and is formed by the Master and Wardens of all the regular particular Lodges on record, with the Grand Master at their head."—*Twelfth Regulation.*

‡ Thus, in the First General Regulation: "The Grand Master, or his Deputy, hath authority and right, not only to be present in any true Lodge, but also to preside wheresoever he is, with the Master of the Lodge on his left hand."

Landmark. The statutory law of Masonry requires a month, or other determinate period, to elapse between the presentation of a petition and the election of a candidate. But the Grand Master has the power to set aside or dispense with this probation, and to allow a candidate to be initiated at once. This prerogative he possessed in common with all Masters,* before the enactment of the law requiring a probation, and as no statute can impair his prerogative, he still retains the power, although the Masters of Lodges no longer possess it.

Landmark Seventh.

THE PREROGATIVE OF THE GRAND MASTER TO GIVE DISPENSATIONS for opening and holding Lodges, is another Landmark. He may grant, in virtue of this, to a sufficient number of Masons, the privilege of meeting together and conferring degrees. The Lodges thus established are called "Lodges under Dispensation." They are strictly creatures of the Grand Master, created by his authority, existing only during his will and pleasure, and liable at any moment to be dissolved at his command. They may be continued for a day, a month, or six months; but whatever be the period of their existence, they are indebted for that existence solely to the grace of the Grand Master.*

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* PRESTON says: "A sufficient number of Masons met together within a certain district, with the consent of the sheriff or chief magistrate of the place, were empowered at this time, (i. e. anterior to 1717) to make Masons and practice the rites of Masonry without warrant of constitution. The privilege was inherent in them as individuals; and this privilege is still enjoyed by the two old Lodges now extant, which act by immemorial constitution." —*Illustrations*, p. 182, *note*.

Landmark Eighth.

THE PREROGATIVE OF THE GRAND MASTER TO MAKE MASONS AT SIGHT, is a Landmark which is closely connected with the preceding one.† There has been much misapprehension in relation to this Landmark, which misapprehension has sometimes led to a denial of its existence in jurisdictions where the Grand Master was perhaps at the very time substantially exercising the prerogative, without the slightest remark or opposition.‡ It is not to be supposed that the Grand Master can retire with a profane into a private room, and there, withou assistance, confer the degrees of Freemasonry upon him. No such prerogative exists, and yet many believe that this is the so much talked of right of "making Masons at sight." The real mode and the only mode of exercising the prerogative is this: The Grand Master summons to his assistance not less than six other Masons, convenes a Lodge, and without any previous probation, but *on sight* of the candidate, confers the degrees upon him, after which he dissolves the Lodge, and dismisses the brethren. Lodges thus convened for special purposes are called "occasional lodges." This is the only way in which any Grand Master within the records of the institution has ever been known to "make a Mason at sight." The prerogative is dependent upon that of granting dispensations to open and hold Lodges. If the Grand Master has the power of granting to any other Mason the privilege of presiding over Lodges working by his dispensation, he may assume this privilege of presiding to himself; and as no one can deny his right to revoke his dispensation granted to a number of brethren at a distance, and to dissolve the Lodge at his pleasure, it will scarcely be contended that he may not revoke his dispensation for a Lodge over which he himself has been presiding, within a day, and dissolve the Lodge as soon as the business for which he had assembled it

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* If, according to the preceding note, the privilege of meeting and conferring the degrees was originally inherent in all Masons, as individuals, then it must also have been inherent in the Grand Master, and was therefore his prerogative, as well as that of every other member of the craft. But at the reorganization of the order in 1717, the Masons, as a body, surrendered this prerogative to the Grand Lodge; (see PRESTON, as above,) but they could not surrender the prerogative of the Grand Master, for it was not theirs to surrender. Consequently he still exercises it, and may assemble Masons together either personally or by proxy; in such cases, the Lodge meets, as of old, without a warrant of constitution; and to enable it to do so, the Grand Master issues his dispensation; that is, he dispenses with the law enacted in 1717, which requires such warrant.

† "We think this to be the rule, because we do not think the regulation of June 24th, 1717, restricting the future assemblage of Masons, except in the four old Lodges in London, to Lodges held under warrant, was intended to apply to the Grand Master or the Grand Lodge in session, but rather to the craft in other respects."—*Com. of Correspond. G. L. of N. Y.*, 1851. Of course not; for if it did, supposing that it *legally* could, then the Grand Master would be deprived of the power of granting dispensations to open Lodges, for his prerogatives of making Masons at sight and of opening Lodges are founded on the same principle.

‡ That is, whenever the Grand Master granted his dispensation to an unchartered Lodge to dispense with the necessary probation, and was

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present and presiding at the conferring of the degrees, he was virtuall making a Mason at sight.

is accomplished. The making of Masons at sight is only the conferring of the degrees by the Grand Master, at once, in an occasional Lodge,* constituted by his dispensing power for the purpose, and over which he presides in person.

Landmark Ninth.

THE NECESSITY FOR MASONS TO CONGREGATE IN LODGES is another Landmark.† It is not to be understood by this that any ancient Landmark has directed that permanent organization of subordinate Lodges which constitutes one of the features of the Masonic system as it now prevails. But the Landmarks of the Order always prescribed that Masons should from time to time congregate together, for the purpose of either operative or speculative labor, and that these congregations should be called *Lodges.* Formerly these were extemporary meetings called together for special purposes, and then dissolved, the brethren departing to meet again at other times and other places, according to the necessity of circumstances. But warrants of constitution, by-laws, permanent officers and annual arrears, are modern innovations wholly outside of the Landmarks, and dependent entirely on the special enactments of a comparatively recent period.

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* These occasional Lodges have been often called by the English Grand Masters since 1717, and frequent records of the fact are to be found in Anderson's Constitutions. Almost all of the princes of the royal family, when made Masons, were initiated, passed and raised at sight, and in occasional Lodges.

† "A Lodge is a place where Masons assemble and work; hence that assembly or duly organized society of Masons is called a Lodge, and every brother ought to belong to one, and to be subject to its by-laws and the general regulations."—*Old Charges*, iii.

Landmark Tenth.

THE GOVERNMENT OF THE CRAFT, when so congregated in a Lodge by a Master and two Wardens, is also a Landmark.* To show the influence of this ancient law, it may be observed by the way, that a congregation of Masons meeting together under any other government, as that for instance of a president and vice-president, or a chairman and sub-chairman, would not be recognized as a Lodge. The presence of a Master and two Wardens is as essential to the valid organization of a Lodge as a warrant of constitution is at the present day. The names, of course, vary in different languages, the Master, for instance, being called "Venerable" in French Masonry, and the Wardens "Surveillants," but the officers, their number,† prerogatives and duties, are everywhere identical.

Landmark Eleventh.

THE NECESSITY THAT EVERY LODGE, WHEN CON-

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* The Old Charges allude to the antiquity of these officers in the following language: "In ancient times no Master or Fellow could be absent from the Lodge when warned to appear at it, without incurring a severe censure, until it appeared to the *Master and Wardens* that pure necessity hindered him."—*Charges*, iii.

† The number, three, of these offices, is essential to the symbolism of the Order, because they refer, as corresponding officers always did, in the ancient Mysteries, to the sun at its rising, its meridian height, and its setting. So long as Masonry preserves its symbolic character, these officers must be retained, and their peculiar positions preserved.

GREGATED, SHOULD BE DULY TILED, is an important Landmark of the institution, which is never neglected. The necessity of this law arises from the esoteric character of Masonry. As a secret institution, its portals must of course be guarded from the intrusion of the profane, and such a law must therefore always have been in force from the very beginning of the Order.* It is therefore properly classed among the most ancient Landmarks. The office of Tiler is wholly independent of any special enactment of Grand or Subordinate Lodges, although these may and do prescribe for him additional duties, which vary in different jurisdictions. But the duty of guarding the door, and keeping off cowans and eavesdroppers, is an ancient one, which constitutes a Landmark for his government.

Landmark Twelfth.

THE RIGHT OF EVERY MASON TO BE REPRESENTED in all general meetings of the craft, and to instruct his representatives, is a twelfth Landmark.† Formerly, these general meetings, which were usually held once a year, were called "General Assemblies," and all the fraternity, even to the youngest Entered Apprentice, were permitted to be present. Now they are called "Grand Lodges," and only the Masters and Wardens of the Subordinate Lodges are summoned. But this is simply as the representatives of their members. Originally, each Mason represented himself; now he is represented by his officers. This was a concession granted by the fraternity about 1717, and of course does not affect the integrity of the Landmark, for the principle of representation is still preserved. The concession was only made for purposes of convenience.*

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* The appointment of a Tiler is so evidently a Landmark, and the necessity of such an officer so apparent, from the very character of the Masonic institution, that neither the Old Charges nor the General Regulations make any allusion to him, except that the latter refer to the qualifications of the Grand Tiler of the Grand Lodge.

† This Landmark is recognized by the General Regulations in these words: "The majority of every particular Lodge, when congregated, shall have the privilege of giving instructions to their Master and Wardens before the assembling of the Grand Chapter or Grand Lodge."—*Gen. Reg.*, Art. x.

Landmark Thirteenth.

THE RIGHT OF EVERY MASON TO APPEAL from the decision of his brethren in Lodge convened, to the Grand Lodge or General Assembly of Masons, is a Landmark highly essential to the preservation of justice, and the prevention of oppression.† A few modern Grand Lodges, in adopting a regulation that the decision of Subordinate Lodges, in cases of expulsion, cannot be wholly set aside upon an appeal, have violated this unquestioned Landmark, as well as the principles of just government.

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* See a full relation of the history of this concession in PRESTON. (Oliver's edition, pp. 182–184.) The result of the concession is given in these words: "Matters being thus amicably adjusted, the brethren of the four old Lodges considered their attendance on the future communications of the society as unnecessary, and, therefore, like the other Lodges, trusted implicitly to their Master and Wardens, resting satisfied that no measure of importance would be adopted without their approbation."—*Illust.*, p. 183.

† The Old Charges recognize this right of appeal in these words: "If any complaint be brought, the brother found guilty shall stand to the award and determination of the Lodge, who are the proper and competent judges of all such controversies, unless you carry it by appeal to the Grand Lodge." —*Charge* vi., 1.

Landmark Fourteenth.

THE RIGHT OF EVERY MASON TO VISIT and sit in every regular Lodge is an unquestionable Landmark of the Order.* This is called "the right of visitation." This right of visitation has always been recognized as an inherent right, which inures to every Mason as he travels through the world. And this is because Lodges are justly considered as only divisions for convenience of the universal Masonic family. This right may, of course, be impaired or forfeited on special occasions by various circumstances; but when admission is refused to a Mason in good standing, who knocks at the door of a Lodge as a visitor, it is to be expected that some good and sufficient reason shall be furnished for this violation, of what is in general a Masonic right, founded on the Landmarks of the Order.

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* The MS. in possession of the Lodge of Antiquity, and which contains charges written in the reign of James II., between 1685 and 1688, recognizes this right of visitation in the welcome which it orders every Mason to give to a strange brother: "Thirteenthly, that every Mason receive and cherish strange Fellows, when they come over the country, and set them on work, if they will work, as the manner is; that is to say, if the Mason have any mould stone in his place, he shall give him a mould stone, and set him on work; and if he have none, the Mason shall refresh him with money unto the next Lodge." All this implies the right to claim and the duty to extend hospitality to a visiting brother.

Landmark Fifteenth.

It is a Landmark of the Order, THAT NO VISITOR, UNKNOWN TO THE BRETHREN PRESENT, or to some one of them as a Mason, can enter a Lodge without first passing an examination according to ancient usage.* Of course, if the visitor is known to any brother present to be a Mason in good standing, and if that brother will vouch for his qualifications, the examination may be dispensed with, as the Landmark refers only to the cases of strangers, who are not to be recognized unless after strict trial, due examination, or lawful information.

Landmark Sixteenth.

NO LODGE CAN INTERFERE IN THE BUSINESS OF ANOTHER LODGE, nor give degrees to brethren who are members of other Lodges.† This is undoubtedly an ancient Landmark, founded on the great principles of courtesy and fraternal kindness, which are at the very foundation of our institution. It has been repeatedly recognized by subsequent statutory enactments of all Grand Lodges.

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* Reference is made to this important Landmark in the Old Charges, vi. 6, in the directions for "behavior to a strange brother," where we find the following language: "You are cautioned to examine him in such method as prudence shall direct you, that you may not be imposed upon by an ignorant pretender, whom you are to reject with contempt and derision, and beware of giving him any hints of knowledge."

† Thus in the MS. charges of the Lodge of Antiquity: "That no Master or Fellow supplant others of their work; that is, if he hath taken a work or else stand master of any work, that he [i.e. any other,] shall not put him out unless he be unable of cunning to make an end of his work."

Landmark Seventeenth.

It is a Landmark that EVERY FREEMASON IS AMENABLE TO THE LAWS AND REGULATIONS OF THE MASONIC JURISDICTION in which he resides, and this although he may not be a member of any Lodge.* Non-affiliation, which is, in fact, in itself a Masonic offence, does not exempt a Mason from Masonic jurisdiction.

Landmark Eighteenth.

CERTAIN QUALIFICATIONS OF CANDIDATES FOR INITIATION are derived from a Landmark of the Order.† These qualifications are that he shall be a man—shall be unmutilated, free born, and of mature age.‡ That is to say, a woman, a cripple, or a slave, or one born in slavery, is disqualified for initiation into the rites of Masonry. Statutes, it is true, have from time to time been enacted, enforcing or explaining these principles; but the qualifications really arise from the very nature of the Masonic institution, and from its symbolic teachings, and ave always existed as Landmarks.

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* The same charges recognize this Landmark in these words: "Tenthly, that every Master and Fellow shall come to the assembly, if it be within fifty miles of him, if he have any warning. And if he have trespassed against the craft, to abide the award of Masters and Fellows." And again: "Eleventhly, that every Master Mason and Fellow that hath trespassed against the craft, shall stand to the correction of other Masters and Fellows to make him accord, and if he cannot accord, to go to the common law."

† Thus in the same MS. charges these qualifications are referred to: "Thirdly, that he that be made, be able in all degrees; that is, free born, of a good kindred, true, and no bondsman; and that he have his right limbs as a man ought to have." And the Old Charges, collected in 1717, give the qualifications as follows: "The persons admitted members of a Lodge must be good and true men, free born and of mature and discreet age, no bondmen, no women, no immoral or scandalous men, but of good report."

‡ In the regulations adopted by the General Assembly, 27th December, 1663, the age is placed at twenty-one years: "That no person be accepted unless he be twenty-one years old or more."—See ANDERSON, 2d edit. p. 102

Landmark Nineteenth.

A BELIEF IN THE EXISTENCE OF GOD AS THE GRAND ARCHITECT of the universe, is one of the most important Landmarks of the Order.* It has been always deemed essential that a denial of the existence of a Supreme and Superintending Power, is an absolute disqualification for initiation. The annals of the Order never yet have furnished or could furnish an instance in which an avowed atheist was ever made a Mason. The very initiatory ceremonies of the first degree forbid and prevent the possibility of so monstrous an occurrence.

Landmark Twentieth.

Subsidiary to this belief in God, as a Landmark of the Order, is THE BELIEF IN A RESURRECTION TO A FUTURE LIFE.† This Landmark is not so positively impressed on the candidate by exact words as the preceding; but the doctrine is taught by very plain implication, and runs through the whole symbolism of the Order. To believe in Masonry, and not to believe in a resurrection, would be an absurd anomaly, which could only be excused by the reflection, that he who thus confounded his belief and his skepticism, was so ignorant of the meaning of both theories as to have no rational foundation for his knowledge of either.

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* It were needless to cite authorities on this point. We might say, that the very first of the Old Charges begins by declaring that "a Mason is obliged by his tenure to obey the moral law; and if he rightly understands the art, he will never be a stupid atheist, nor an irreligious libertine."

† The whole scope and design of the third degree is, to teach the resurrection from the dead, as that of the Royal Arch is to inculcate the rewards of a future life. If the doctrine of the resurrection were false, then would the ceremonies of the third degree be simply a farce; and hence Hutchinson

Landmark Twenty-First.

It is a Landmark, that a "BOOK OF THE LAW" shall constitute an indispensable part of the furniture of every Lodge.* I say advisedly, a *Book of the Law*, because it is not absolutely required that everywhere the Old and New Testaments shall be used. The "Book of the Law" is that volume which, by the religion of the country, is believed to contain the revealed will of the Grand Architect of the universe. Hence, in all Lodges in Christian countries, the Book of the Law is composed of the Old and New Testaments; in a country where Judaism was the prevailing faith, the Old Testament alone would be sufficient; and in Mohamme-

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who had profoundly studied its symbolism, says, that the Master Mason's order "testifies our faith concerning the resurrection of the body."—*Spirit of Masonry*, p. 101.

* The presence of a Book of the Law in a Lodge, as a part of its furniture, is strictly a ritualistic Landmark, and the authorities for it will be at once evident to every Mason.

dan countries, and among Mohammedan Masons, the Koran might be substituted. Masonry does not attempt to interfere with the peculiar religious faith of its disciples, except so far as relates to the belief in the existence of God, and what necessarily results from that belief.* The Book of the Law is to the speculative Mason his spiritual Trestle-board; without this he cannot labor; whatever he believes to be the revealed will of the Grand Architect constitutes for him this spiritual Trestle-board, and must ever be before him in his hours of speculative labor, to be the rule and guide of his conduct. The Landmark, therefore, requires that a Book of the Law, a religious code of some kind, purporting to be an exemplar of the revealed will of God, shall form an essential part of the furniture of every Lodge.

Landmark Twenty-Second.

THE EQUALITY OF ALL MASONS is another Landmark of the Order.† This equality has no reference to any subversion of those gradations of rank which have been instituted by the usages of society.‡

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* On the subject of the religious, or rather the doctrinal, requirements of Masonry, the Old Charges utter the following explicit language: "Though in ancient times, Masons were charged in every country to be of the religion of that country or nation, whatever it was; yet it is now thought expedient only to oblige them to that religion in which all men agree, leaving their particular opinions to themselves."– *Charge* i.

† "Masons meet upon the level."– *Ritual.*

‡ "Though all Masons are as brethren upon the same level, yet Masonry takes no honor from a man tha he had before; nay, rather it adds to his

The monarch, the nobleman or the gentleman is entitled to all the influence, and receives all the respect which rightly belong to his exalted position. But the doctrine of Masonic equality implies that, as children of one great Father, we meet in the Lodge upon the level—that on that level we are all traveling to one predestined goal—that in the Lodge genuine merit shall receive more respect than boundless wealth, and that virtue and knowledge alone should be the basis of all Masonic honors, and be rewarded with preferment.* When the labors of the Lodge are over, and the brethren have retired from their peaceful retreat, to mingle once more with the world, each will then again resume that social position, and exercise the privileges of that rank, to which the customs of society entitle him.

Landmark Twenty-Third.

The Secrecy of the Institution is another and a most important Landmark.† There is some diffi-

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honor, especially if he has deserved well of the brotherhood, who must give honor to whom it is due, and avoid ill manners."—*Old Charges*, vi., 3.

* "All preferment among Masons is grounded upon real worth and personal merit only."—*Old Charges*, iv.

† There are abundant cautions in the Old Charges which recognize the existence of this Landmark, and the necessity of preserving it. Thus in the direction for the behavior of brethren who meet without strangers, it is said: "You will salute one another in a courteous manner, ... freely giving mutual instruction as shall be thought expedient, without being overseen or overheard;" and in the presence of strangers: "You shall be cautious in your words and carriage, that the most penetrating stranger shall not be able to discover or find out what is not proper to be intimated."

culty in precisely defining what is meant by a "secret society." If the term refers, as perhaps, in strictly logical language it should, to those associations whose designs are concealed from the public eye, and whose members are unknown, which produce their results in darkness, and whose operations are carefully hidden from the public gaze—a definition which will be appropriate to many political clubs and revolutionary combinations in despotic countries, where reform, if it is at all to be effected, must be effected by stealth—then clearly Freemasonry is not a secret society. Its design is not only publicly proclaimed, but is vaunted by its disciples as something to be venerated—its disciples are known, for its membership is considered an honor to be coveted—it works for a result of which it boasts—the civilization and refinement of man, the amelioration of his condition, and the reformation of his manners. But if by a secret society is meant—and this is the most popular understanding of the term—a society in which there is a certain amount of knowledge, whether it be of methods of recognition, or of legendary and traditional learning,* which is imparted to those only who have passed through an established form of initiation, the form itself being also concealed or esoteric, then in this sense is Freemasonry undoubtedly a secret society. Now this form of secrecy is a form inherent in it, existing with it from its very foundation, and secured to it by its ancient Landmarks. If divested of its secret character, it would lose its identity, and would cease to be Freemasonry.* Whatever objections may, therefore, be made to the institution, on account of its secrecy, and however much some unskillful brethren have been willing in times of trial, for the sake of expediency, to divest it of its secret character, it will be ever impossible to do so, even were the Landmark not standing before us as an insurmountable obstacle; because such change of its character would be social suicide, and the death of the Order would follow its legalized exposure. Freemasonry, as a secret association, has lived unchanged for centuries—as an open society it would not last for as many years.

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* The Leland MS., containing the answers of the Masons to the questions of King Henry the Sixth, gives a long list of the secrets which the Masons "conceal and hide," the catalogue of secret sciences ending with the universalle longage of Masonnes," that is, the peculiar modes of recognition.

Landmark Twenty-Fourth.

THE FOUNDATION OF A SPECULATIVE SCIENCE UPON AN OPERATIVE ART, and the symbolic use and explanation of the terms of that art, for purposes of religious or moral teaching, constitute another Landmark of the Order.† The Temple of Solomon was the cradle of the institution,* and, therefore, the reference to the operative Masonry, which constructed that magnificent edifice, to the materials and implements which were employed in its construction, and to the artists who were engaged in the building, are all component and essential parts of the body of Freemasonry, which could not be subtracted from it without an entire destruction of the whole identity of the Order. Hence, all the comparatively modern rites of Masonry, however they may differ in other respects, religiously preserve this temple history and these operative elements, as the substratum of all their modifications of the Masonic system.

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* "Finally, keep sacred and inviolable the mysteries of the Order, as these are to distinguish you from the rest of the community, and mark your consequence among Masons."—*Charges to an Ent. Apprentice.*

† "We work in speculative Masonry, but our ancient brethren worked in both operative and speculative."—*Ritual of F. C. degree.*

Landmark Twenty-Fifth.

The last and crowning Landmark of all is, that THESE LANDMARKS CAN NEVER BE CHANGED.† Nothing can be subtracted from them—nothing can be added to them—not the slightest modification can be made in them. As they were received from our predecessors, we are bound by the most solemn obligations of duty to transmit them to our successors. Not one jot or one tittle of these unwritten laws can be repealed; for in respect to them, we are not only willing, but compelled to adopt the language of the sturdy old barons of England—"Nolumus leges mutari."

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* "As this temple (Solomon's) received the second race of servants of the true God, and as the true craftsmen were here proved in their work, we will crave your attention to the circumstances which are to be gathered from holy writ, and from historians, touching this structure, as an illustration of those secrets in Masonry, which may appear to such of our brethren as are not learned in antiquity, dark or insignificant, unless they are proved from thence."—HUTCHINSON, *Spirit of Masonry*, p. 83.

† Our "first most excellent Grand Master" has declared with a significance which Masons will understand—"Remove not the ancient Landmarks which thy fathers have set." Dr. OLIVER remarks—"It is quite clear, however, that the order against removing or altering the Landmarks was universally observed in all ages of the craft."—*Dict. of Sym. Mas.*

CHAPTER II.

The Written Law.

NEXT to the Unwritten Laws, or Landmarks of Masonry, comes its Written or statutory Laws. These are the "regulations," as they are usually called, which have been enacted from time to time by General Assemblies, Grand Lodges, or other supreme authorities of the Order. They are in their character either general or local.

The General Regulations are those that have been enacted by such bodies as had at the time universal jurisdiction over the craft. By the concurring consent of all Masonic jurists, it is agreed, that the regulations adopted previous to the year 1721, shall be considered as general in their nature ; because all the Masonic authorities established since that period, have derived their existence, either directly or indirectly, from the Grand Lodge of England, which was organized in 1717, and hence the regulations adopted by that body, at the period of its organization, and immediately afterwards, or by its predecessors, the annual General Assemblies of the craft, were of universal authority at the time of their adoption. But soon after 1721, other Grand Lodges were established with equal powers to make regulations for their own jurisdictions, and hence the subsequent enactments of the Grand Lodge of England ceased to be of force in those new and independent jurisdictions, and they therefore lost their character of universality.

The Local Regulations are all those laws which have been since enacted by the Grand Lodge of England, and the Grand Lodges of other countries, and which are, of course, of authority only in the jurisdictions over which these Grand Lodges exercise control. In a general treatise on the laws of Masonry, these local regulations can of course find no place, except when referred to in illustration of any point of Masonic law.

The code of General Regulations, or the universal Written Law of Masonry, is therefore contained in a comparatively small compass, and yet this code, with the Landmarks already recapitulated in the preceding chapter, constitute the foundation on which the whole superstructure of Masonic law is erected. From these Landmarks and general regulations, and from the dictates of reason and the suggestions of analogy and common sense, we are to deduce all those fundamental principles which make the science of Masonic law.

It is necessary, therefore, that all those documents which contain the universal written laws of Masonry should be enumerated, as an appropriate introduction to an accurate inquiry into the science whose principles constitute the subject matter of the present article.

The following documents, and these only, have been admitted to contain the General Regulations and fundamental Constitutions of the Order, and are competent authority for reference in all obscure or disputed points of Masonic law:

I.—THE OLD YORK CONSTITUTIONS OF 926.

The "Old York Constitutions" were so called from the city of York, where they were enacted, and sometimes the "Gothic Constitutions," from the fact that they were written in the old Gothic character. Of these constitutions, which are the oldest now extant, the history is given in a record written in the reign of Edward IV., the substance of which is copied by Anderson. According to this record, we learn that Prince Edwin, having been taught Masonry, obtained from his brother, King Athelstan, a free charter, "for the Masons having a correction among themselves (as it was anciently expressed,) or a freedom and power to regulate themselves, to amend what might happen amiss, and to hold a yearly communication and general assembly.

"Accordingly, Prince Edwin summoned all the Masons in the realm to meet him in a congregation at York, who came and composed a General Lodge, of which he was Grand Master; and having brought with them all the writings and records extant, some in Greek, some in Latin, some in French and other languages, from the contents thereof that assembly did frame the Constitution and Charges of an English Lodge, made a law to preserve and observe the same in all time coming, and ordained good pay for the working Masons," &c.*

The Constitutions thus framed at the city of York, in the year 926, were seen, approved and confirmed, as we are informed by Anderson,† in the reign of Henry VI., and were then recognized as the fundamental law of Masonry. The document containing them was lost for a long time, although, according to Oliver, copies are known to have been taken during the reign of Richard II. ; at the revival of Masonry, however, in 1717, not a transcript was to be found.‡ A copy was, however, discovered in 1838, by Mr. James Orchard Halliwell, in the British Museum, and published. Dr. Oliver has very clearly proved, in an article in the *American Quarterly Review of Freemasonry*,§ that this ancient MS., published by Mr. Halliwell, is the original Constitutions, as adopted in 926 by the General Assembly which met at York. These Constitutions contain fifteen articles and fifteen points of Masonic law, which are here given, not in the antiquated language in which they were written, and in which they are published in Halliwell's book—a language which would be almost wholly unintelligible to the great mass of readers—but as they have been very correctly translated and condensed by Dr. Oliver, in the volume already referred to. Besides their importance, they will be read with interest as the oldest Masonic Constitutions extant.

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* ANDERSON'S *Constitutions*, 1st edit., p. 32.

† ANDERSON, 2d edit., p. 111.

‡ "It eluded the search of those indefatigable brothers, Desaguliers and Anderson, at the revival of Masonry in the year of grace 1717, although they used all the means at their command, both in this country and elsewhere for its discovery."—OLIVER, *on the Old York Constitutions, Amer Quar. Rev. of Freem.*, vol. i., p. 549.

§ *Amer. Quar. Rev. of Freem.*, vol. i., p. 546.

The Fifteen Articles.

1. The Master must be steadfast, trusty and true; provide victuals for his men, and pay their wages punctually.*

2. Every Master shall attend the Grand Lodge when duly summoned, unless he have a good and reasonable excuse.

3. No Master shall take an Apprentice for less than seven years.†

4. The son of a bondman shall not be admitted as an Apprentice, lest, when he is introduced into the Lodge, any of the brethren should be offended.

5. A candidate must be without blemish, and have the full and proper use of his limbs; for a maimed man can do the craft no good.‡

6. The Master shall take especial care, in the admission of an Apprentice, that he do his lord no prejudice.

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* This reference to the wages of operative Masonry is still preserved in the formula of the Senior Warden's response in opening and closing a Lodge; but the wages of a speculative Mason consist in a knowledge of truth.

† Speculatively, no candidate shall pass to a higher degree, until he has served a "sufficient time" and made "due proficiency" in the preceding degree.

‡ This is repeated in all subsequent regulations, and is still in force notwithstanding some recent attempts to reduce its rigor.

7. He shall harbor no thief or thief's retainer, lest the craft should come to shame.

8. If he unknowingly employ an imperfect man, he shall discharge him from the work when his inability is discovered.*

9. No Master shall undertake a work that he is not able to finish to his lord's profit and the credit of his Lodge.

10. A brother shall not supplant his fellow in the work,† unless he be incapable of doing it himself; for then he may lawfully finish it, that pleasure and profit may be the mutual result.

11. A Mason shall not be obliged to work after the sun has set in the west.

12. Nor shall he decry the work of a brother or fellow, but shall deal honestly and truly by him, under a penalty of not less than ten pounds.

13. The Master shall instruct his Apprentice faithfully, and make him a perfect workman.

14. He shall teach him all the secrets of his trade.

15. And shall guard him against the commission of perjury, and all other offences by which the craft may be brought to shame.

The Fifteen Points.

1. Every Mason shall cultivate brotherly love and the love of God, and frequent holy church.

2. The workman shall labor diligently on work days, that he may deserve his holidays.

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* This is the foundation of that principle of law by which a candidate may be stopped in any part of his progress—as, for instance, that an Entered Apprentice, being objected to, may be refused by the Lodge advancement to the Fellow Craft's degree.

† That is, no Lodge shall interfere with the work of another Lodge. These afford illustrations of how the operative allusions in all the old Constitutions are to be interpreted in a speculative sense.

3. Every Apprentice shall keep his Master's counsel, and not betray the secrets of his Lodge.

4. No man shall be false to the craft, or entertain a prejudice against his Master or Fellows.

5. Every workman shall receive his wages meekly, and without scruple; and should the Master think proper to dis miss him from the work, he shall have due notice of the same before H. xii.

6. If any dispute arise among the brethren, it shall be settled on a holiday, that the work be not neglected, and God's law fulfilled.

7. No Mason shall debauch, or have carnal knowledge of the wife, daughter, or concubine of his Master or Fellows.

8. He shall be true to his Master, and a just mediator in all disputes or quarrels.

9. The Steward shall provide good cheer against the hour of refreshment, and each Fellow shall punctually defray his share of the reckoning, the Steward rendering a true and correct account.

10. If a Mason live amiss, or slander his Brother, so as to bring the craft to shame, he shall have no further maintenance among the brethren, but shall be summoned to the next Grand Lodge; and if he refuse to appear, he shall be expelled.

11. If a Brother see his Fellow hewing a stone, and likely to spoil it by unskillful workmanship, he shall teach him to amend it, with fair words and brotherly speeches.

12. The General Assembly, or Grand Lodge, shall consist of Masters and Fellows, Lords, Knights and Squires, Mayor and Sheriff, to make new laws, and to confirm old ones when necessary.

13. Every Brother shall swear fealty, and if he violate his oath, he shall not be succored or assisted by any of the Fraternity.

14. He shall make oath to keep secrets, to be steadfast and true to all the ordinances of the Grand Lodge, to the

King and Holy Church, and to all the several Points herein specified.

15. And if any Brother break his oath, he shall be committed to prison, and forfeit his goods and chattels to the King.

They conclude with an additional ordinance—*alia ordinacio*—which declares

That a General Assembly shall be held every year, with the Grand Master at its head, to enforce these regulations, and to make new laws, when it may be expedient to do so, at which all the brethren are competent to be present; and they must renew their O. B. to keep these statutes and constitutions, which have been ordained by King Athelstan, and adopted by the Grand Lodge at York. And this Assembly further directs that, in all ages to come, the existing Grand Lodge shall petition the reigning monarch to confer his sanction on their proceedings.

II.—THE CONSTITUTIONS OF EDWARD III.

Anderson informs us,* on the authority of an old record, that in the reign of King Edward III., (that is, between the years 1327 and 1377), the Grand Master, with his Wardens, at the head of the Grand Lodge, with the consent of the lords of the realm, who were generally Freemasons, ordained the following Constitutions :

1. That for the future, at the making or admission of a Brother, the constitutions and the charges shall be read.

2. That Master Masons, or Masters of the work, shall be

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* *Constitutions*, 2d edit., p. 71.

examined whether they be able of cunning to serve their respective lords, as well the highest as the lowest, to the honor and worship of the aforesaid art, and to the profit of their lords; for they be their lords that employ them for their travel.

3. That when the Master and Wardens meet in a Lodge, if need be, the Sheriff of the county, or the Mayor of the city, or Alderman of the town, in which the congregation is held, should be made fellow and sociate to the Master, in help of him against rebels, and for upbearing the rights of the realm.

4. That Entered Prentices at their making were charged not to be thieves, or thieves-maintainers; that they should travel honestly for their pay, and love their Fellows as themselves, and be true to the King of England, and to the realm, and to the Lodge.

5. That at such congregations it shall be enquired, whether any Master or Fellow has broke any of the articles agreed to. And if the offender, being duly cited to appear, prove rebel, and will not attend, then the Lodge shall determine against him that he shall forswear (or renounce) his Masonry, and shall no more use this craft; the which, if he presume for to do, the Sheriff of the county shall prison him, and take all his goods into the king's hands, till his grace be granted him an issue: for this cause principally have these congregations been ordained, that as well the lowest as the highest should be well and truly served in this art foresaid throughout all the kingdom of England.

III.—REGULATIONS OF 1663.

In the reign of Charles I., Henry Jermyn, Earl of St. Albans, being chosen Grand Master, he held a General Assembly and Feast on St. John the Evangelist's day, 1663, when the following regulations were adopted:

1. That no person, of what degree soever, be made or accepted a Freemason, unless in a regular Lodge, whereof one to be a Master or a Warden in that limit or division where such Lodge is kept, and another to be a craftsman in the trade of Freemasonry.

2. That no person shall hereafter be accepted a Freemason but such as are of able body, honest parentage, good reputation, and an observer of the laws of the land.

3. That no person hereafter who shall be accepted a Freemason, shall be admitted into any Lodge or assembly, until he has brought a certificate of the time and place of his acceptation from the Lodge that accepted him, unto the Master of that limit or division where such Lodge is kept; and the said Master shall enroll the same in a roll of parchment, to be kept for that purpose, and shall give an account of all such acceptations at every General Assembly.

4. That every person who is now a Freemason, shall bring to the Master a note of the time of his acceptation, to the end the same may be enrolled in such priority of place as the Brother deserves; and that the whole company and Fellows may the better know each other.

5. That for the future the said fraternity of Freemasons shall be regulated and governed by one Grand Master, and as many Wardens as the said society shall think fit to appoint at every annual General Assembly.

6. That no person shall be accepted, unless he be twenty-one years old or more.

IV.—THE ANCIENT INSTALLATION CHARGES.

These Charges appear from their style to be very old, although their date is uncertain. They were contained in a MS. written in the reign of James II., which extended from 1685 to 1688, which MS., according to Preston, was in possession of the Lodge of Antiquity in London. They are said to have been used at the installation of the Master of a Lodge. Probably they are older than the year 1686; but that date is often used as a means of reference. The Charges are as follows :

1. That ye shall be true men to God and the holy church, and to use no error or heresy by your understanding, and by wise men's teaching.

2. That ye shall be true liegemen to the King of England, without treason or any falsehood, and that ye know no treason but ye shall give knowledge thereof to the king, or to his counsel; also, ye shall be true one to another, that is to say, every Mason of the craft that is Mason allowed, ye shall do to him as ye would be done unto yourself.

3. And ye shall keep truly all the counsel that ought to be kept in the way of Masonhood, and all the counsel of the Lodge or of the chamber. Also, that ye shall be no thief nor thieves to your knowledge free; that ye shall be true to the king, lord or master that ye serve, and truly to see and work for his advantage.

4. Ye shall call all Masons your Fellows, or your brethren, and no other names.

5. Ye shall not take your Fellow's wife in villainy, nor deflower his daughter or servant, nor put him to disworship.

6. Ye shall truly pay for your meat or drink, wheresoever ye go to table or board. Also, ye shall do no villainy there, whereby the craft or science may be slandered.

V.—THE ANCIENT CHARGES AT MAKINGS.

The MS. in the archives of the Lodge of Antiquity from which I have quoted the preceding charges, adds to them fifteen more, which are said to be " Charges single for Masons allowed or accepted," that is to say, as is added at the end, " Charges and covenants to be read . . . . at the making of a Freemason or Freemasons." They are as follows:

1. That no Mason take on him no lord's work, nor any other man's, unless he know himself well able to perform the work, so that the craft have no slander.

2. Also, that no Master take work but that he take reasonable pay for it; so that the lord may be truly served, and the Master to live honestly, and to pay his Fellows truly. And that no Master or Fellow supplant others of their work; that is to say, that if he hath taken a work, or else stand Master of any work, that he shall not put him out, unless he be unable of cunning to make an end of his work. And no Master nor Fellow shall take no Apprentice for less than seven years. And that the Apprentice be free born, and of limbs whole as a man ought to be, and no bastard. And that no Master nor Fellow take no allowance to be made Mason without the assent of his Fellows, at the least six or seven.

3. That he that be made be able in all degrees; that is, free born, of a good kindred, true, and no bondsman, and that he have his right limbs as a man ought to have.

4. That a Master take no Apprentice without he have occupation to occupy two or three Fellows at the least.

5. That no Master or Fellow put away any lord's work to task that ought to be journeywork.

6. That every Master give pay to his Fellows and servants as they may deserve, so that he be not defamed with false working. And that none slander another behind his back to make him lose his good name.

7. That no Fellow in the house or abroad, answer another ungodly or reproveably without a cause.

8. That every Master Mason do reverence to his elder; and that a Mason be no common player at the cards, dice or hazard; or at any other unlawful plays, through the which the science and craft may be dishonored and slandered

9. That no Fellow go into the town by night, except he have a Fellow with him, who may bear him record that he was in an honest place.

10. That every Master and Fellow shall come to the assembly, if it be within fifty miles of him, if he have any warning. And if he have trespassed against the craft, to abide the reward of Masters and Fellows.

11. That every Master Mason and Fellow that hath trespassed against the craft, shall stand to the correction of other Masters and Fellows to make him accord; and if they cannot accord, to go to the common law.

12. That a Master or Fellow make not a mould stone, square nor rule, to no lowen, nor let no lowen work work within their Lodge nor without, to mould stone.

13. That every Mason receive and cherish strange Fellows when they come over the country, and set them on work, if they will work, as the manner is; that is to say, if the Mason have any mould stone in his place, he shall give him a mould stone, and set him on work; and if he have none, the Mason shall refresh him with money unto the next Lodge.

14. That every Mason shall truly serve his Master for his pay.

15. That every Master shall truly make an end of his work, task or journey, whitherso it be.

VI.—THE REGULATION OF 1703.

I know not upon what authority Rebold places the date of this Regulation in 1703. He cannot, however, be far wrong, as it is certain that it was adopted at the beginning of the eighteenth century, and during the latter part of the Grand Mastership of Sir Christopher Wren. The Regulation is an important one, and had an extensive influence on the subsequent character of the institution. Preston* says that it was adopted in consequence of the decadence of the Lodges, and for the purpose of increasing their members. It is in these words :

> That the privileges of Masonry should no longer be restricted to operative Masons, but extend to men of various professions, provided they were regularly approved and initiated into the Order.†

VII.—THE REGULATION OF 1717.

Preston‡ informs us that, on St. John the Baptist's day, 1717, at the establishment of the Grand Lodge of England by the four Lodges in London, the following Regulation was adopted :

> That the privilege of assembling as Masons, which had been hitherto unlimited, should be vested in certain Lodges or assemblies of Masons, convened in certain places; and that every Lodge to be hereafter convened, except the four old Lodges at this time existing, should be legally authorized to act by a warrant from the Grand Master for the time being, granted to certain individuals by petition, with the consent

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* *Illustrations of Masonry*, p. 180.

† There is something in the phraseology of this regulation which makes it irreconcilable with the facts of history. It is well known that, from the earliest periods, a speculative and an operative element were combined in the institution, and that many distinguished princes, noblemen, prelates and scholars, who were not operative Masons, held high rank and position in the Fraternity. The most of the craftsmen were, however, undoubtedly, operative or stone masons. The object of this regulation, perhaps, really was, to give an entirely speculative character to the institution, and completely to divest it of its operative element. Although not precisely so worded, this seems to have been the universal interpretation, and such has actually been the result.

‡ *Illustrations*, p. 182.

and approbation of the Grand Lodge in communication; and that without such warrant, no Lodge should be hereafter deemed regular or constitutional.*

VIII.—THE REGULATION OF 1720.

At a quarterly communication of the Grand Lodge of England, held on the 24th of June, 1720, the following new Regulation was adopted:

> In future, the new Grand Master shall be named and proposed to the Grand Lodge some time before the feast; and, if approved and present, he shall be saluted as Grand Master elect; and every Grand Master, when he is installed, shall have the sole power of appointing his Deputy and Wardens, according to ancient custom.†

IX.—THE CHARGES APPROVED IN 1722.

The Charges now to be inserted were presented to the Grand Lodge by Dr. Anderson and Dr. Desaguliers, in 1721, and being approved by the Grand Lodge on the 25th of March, 1722, were subsequently published in the first edition of the Book of Constitutions, with the following title:

"The Charges of a Freemason, extracted from the Ancient Records of Lodges beyond sea, and of those in England, Scotland and Ireland, for the use of the Lodges in London: to be read at the making of new Brethren, or when the Master shall order it."

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* PRESTON says that a sufficient number of Masons could, up to the time of the adoption of this regulation, meet together, open a Lodge, and make Masons, with the consent of the sheriff or chief magistrate of the place. The regulation here quoted, which abolished this usage, is the one under which the present system of permanent chartered Lodges is maintained.

† This regulation has been very generally repealed by the Grand Lodges of the United States. In England, and in North Carolina and a very few other Grand Lodges in this country, it is still in force. But in the greater number of States, the office of Deputy, like that of Grand Master, is elective.

These Charges have always been held in the highest veneration by the Fraternity, as embodying the most important points of the ancient Written as well as Unwritten Law of Masonry.

I. CONCERNING GOD AND RELIGION.

A Mason is obliged, by his tenure, to obey the moral law;† and if he rightly understands the art, he will never be a stupid atheist, nor an irreligious libertine. But though in ancient times Masons were charged in every country to be of the religion of that country or nation, whatever it was, yet 'tis now thought more expedient only to oblige them to

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* LAURENCE DERMOTT, the Deputy Grand Master of the Grand Lodge of Ancient Masons, or Athol Grand Lodge, as it has been of late very usually called, published a very distorted copy of these Charges in the Ahiman Rezon, or Book of Constitutions, which he compiled for the use of the illegal Grand Lodge with which he was connected. This incorrect version of Dermott was subsequently copied by Smith, in his Ahiman Rezon of Pennsylvania; by Dalcho, in that of South Carolina; by Cole, in his Freemason's Library, and by several other American writers; and many of the wordy, but unnecessary, controversies on subjects of Masonic law, which a few years ago were becoming the reproach of American Masonry, (although by the investigations which they have promoted, they have been of ultimate benefit,) arose from the fact that Dermott's copy of the Charges was repeatedly copied as good law, which, of course, it was not; because the Grand Lodge to which he was attached was irregular, and because his edition of the Charges was altered from the original. It is a subject of curious speculation, whether Dermott did not derive his Charges from those published by Anderson in 1738. The alterations made by Anderson in that year were never repeated in subsequent editions.

† DERMOTT adds, "as a true Noachida," and he subsequently interpolates that Masons "all agree in the three great articles of Noah," which is incorrect since the PRECEPTS OF NOAH were seven.

that religion in which all men agree, leaving their particular opinions to themselves; that is, to be good men and true, or men of honour and honesty, by whatever denominations or persuasions they may be distinguished; whereby Masonry becomes the centre of union, and the means of conciliating true friendship among persons that must have remained at a perpetual distance.

II. OF THE CIVIL MAGISTRATE, SUPREME AND SUBORDINATE.

A Mason is a peaceable subject to the civil powers, wherever he resides or works, and is never to be concerned in plots and conspiracies against the peace and welfare of the nation, nor to behave himself undutifully to inferior magistrates; for as Masonry hath been always injured by war, bloodshed and confusion, so ancient kings and princes have been much disposed to encourage the craftsmen, because of their peaceableness and loyalty, whereby they practically answered the cavils of their adversaries, and promoted the honor of the Fraternity, who ever flourished in times of peace. So that if a Brother should be a rebel against the state, he is not to be countenanced in his rebellion, however he may be pitied as an unhappy man; and, if convicted of no other crime, though the loyal brotherhood must and ought to disown his rebellion, and give no umbrage or ground of political jealousy to the government for the time being; they cannot expel him from the Lodge, and his relation to it remains indefeasible.

III. OF LODGES.

A Lodge is a *place* where Masons assemble and work, hence that assembly, or duly organized society of Masons, is called a Lodge, and every Brother ought to belong to one and to be subject to its by-laws and the General Regulations It is either particular or general, and will be best understood by attending it, and by the regulations of the General or

Grand Lodge hereunto annexed. In ancient times, no Master or Fellow could be absent from it, especially when warned to appear at it, without incurring a severe censure, until it appeared to the Master and Wardens that pure necessity hindered him.

The persons admitted members of a Lodge must be good and true men, free born, and of mature and discreet age, no bondmen, no women, no immoral or scandalous men, but of good report.*

IV. OF MASTERS, WARDENS, FELLOWS AND APPRENTICES.†

All preferment among Masons is grounded upon real worth and personal merit only; that so the lords may be well served, the brethren not put to shame, nor the royal craft despised; therefore no Master or Warden is chosen by seniority, but for his merit. It is impossible to describe these things in writing, and every Brother must attend in his place, and learn them in a way peculiar to this Fraternity: only candidates may know that no Master should take an Apprentice unless he has sufficient imployment for him, and unless he be a perfect youth, having no maim or defect in his body, that may render him uncapable of learning the art, of serving his Master's lord, and of being made a Brother, and then a Fellow Craft in due time, even after he has served such a term of years as the custom of the country directs; and that he should be descended of honest parents; that so, when otherwise qualified, he may arrive to the honour of being the

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* DERMOTT alters this clause respecting the qualifications, &c., so as to read thus: "The men made Masons must be free born (or no bondmen), of mature age, and of good report; hale and sound, not deformed or dismembered at the time of their making; but no woman, no eunuch."

† DERMOTT makes very considerable and important alterations in this Charge, as, for instance, he brings the Master Masons forward as constituting the great body of the craft; whereas, it will be perceived that Entered Apprentices and Fellow Crafts are alone spoken of in that capacity in the authentic Charges. But Anderson made the same change in his edition of 1738.

Warden, and then the Master of the Lodge, the Grand Warden, and at length the Grand Master of all the Lodges, according to his merit.

No Brother can be a Warden until he has passed the part of a Fellow Craft;* nor a Master, until he has acted as a Warden, nor Grand Warden until he has been Master of a Lodge, nor Grand Master, unless he has been a Fellow Craft† before his election, who is also to be nobly born, or a gentleman of the best fashion, or some eminent scholar, or some curious architect or other artist, descended of honest parents, and who is of singular great merit in the opinion of the Lodges. And for the better and easier, and more honourable discharge of his office, the Grand Master has a power to chuse his own Deputy Grand Master, who must be then, or must have been formerly, the Master of a particular Lodge, and has the privilege of acting whatever the Grand Master, his principal, should act, unless the said principal be present, or interpose his authority by a letter.

These rulers and governors, supreme and subordinate, of the ancient Lodge, are to be obeyed in their respective stations by all the brethren, according to the Old Charges and Regulations, with all humility, reverence, love, and alacrity.

V. OF THE MANAGEMENT OF THE CRAFT IN WORKING.

All Masons shall work honestly on working days, that they may live creditably on holy days; and the time appointed by the law of the land, or confirmed by custom, shall be observed.

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* Dermott says: "The Wardens are chosen from among the Master Masons."

† Dermott says that "none can act as Grand Master who has not acted as the Master of a particular Lodge." This, it is true, is the modern usage; but the Old Charges make no such requisition, as it was always competent for the Grand Master to be chosen from the body of the craft This is an instance in which in this country the authority of Dermott has exercised an influence paramount to that of the original constitutions. A large number of the Lodges in America derived their warrants from the Athol Grand Lodge. There is no such provision in the modern constitution of the Grand Lodge of England.

The most expert of the Fellow Craftsmen shall be chosen or appointed the Master or overseer of the lord's work:* who is to be called Master by those that work under him. The craftsmen are to avoid all ill language, and to call each other by no disobliging name, but Brother or Fellow; and to behave themselves courteously within and without the Lodge.

The Master, knowing himself to be able of cunning, shall undertake the lord's work as reasonably as possible, and truly dispend his goods as if they were his own; nor to give more wages to any Brother or Apprentice than he really may deserve.

Both the Master and the Mason receiving their wages justly, shall be faithful to the lord, and honestly finish their work, whether task or journey; nor put the work to task that hath been acccustomed to journey.

None shall discover envy at the prosperity of a Brother, nor supplant him, or put him out of his work, if he be capable to finish the same; for no man can finish another's work so much to the lord's profit, unless he be thoroughly acquainted with the designs and draughts of him that began it.

When a Fellow Craftsman is chosen Warden of the work under the Master, he shall be true both to Master and Fellows; shall carefully oversee the work in the Master's absence to the lord's profit; and his brethren shall obey him.

All Masons employed shall meekly receive their wages without murmuring or mutiny, and not desert the Master till the work is finished.

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* DERMOTT says: "A Master Mason only must be the surveyor or Master of the work." Here again the alteration of Dermott has, in modern usage, superseded the original regulation. Fellow Crafts are not now eligible to office.

A younger Brother shall be instructed in working, to prevent spoiling the materials for want of judgment, and for increasing and continuing of brotherly love.

All the tools used in working shall be approved by the Grand Lodge.

No labourer shall be employed in the proper work of Masonry; nor shall Free Masons work with those that are not free, without an urgent necessity; nor shall they teach labourers and unaccepted Masons, as they should teach a Brother or Fellow.

VI. OF BEHAVIOUR, VIZ:

1. *In the Lodge while Constituted.*

You are not to hold private committees, or separate conversation, without leave from the Master, nor to talk of any thing impertinent or unseemly, nor interrupt the Master or Wardens, or any Brother speaking to the Master; nor behave yourself ludicrously or jestingly while the Lodge is engaged in what is serious and solemn; nor use any unbecoming language upon any pretence whatsoever; but to pay due reverence to your Master, Wardens and Fellows, and put them to worship.

If any complaint be brought, the Brother found guilty shall stand to the award and determination of the Lodge, who are the proper and competent judges of all such controversies, (unless you carry it by appeal to the Grand Lodge,) and to whom they ought to be referred, unless a lord's work be hindered the meanwhile, in which case a particular reference may be made; but you must never go to law about what concerneth Masonry, without an absolute necessity apparent to the Lodge.

2. *Behaviour after the Lodge is over and the Brethren not gone.*

You may enjoy yourself with innocent mirth, treating one another according to ability, but avoiding all excess, or foro ing any Brother to eat or drink beyond his inclination, or hindering him from going when his occasions call him, or doing or saying any thing offensive, or that may forbid an easy and free conversation; for that would blast our harmony and defeat our laudable purposes. Therefore no private piques or quarrels must be brought within the door of the Lodge, far less any quarrels about religion, or nations, or state policy, we being only, as Masons, of the Catholick religion above-mentioned; we are also of all nations, tongues, kindreds, and languages, and are resolved against all politicks, as what never yet conduced to the welfare of the Lodge, nor ever will. This Charge has been always strictly enjoined and observed; but especially ever since the Reformation in Britain, or the dissent and secession of these nations from the communion of Rome.

3. *Behaviour when Brethren meet without Strangers, but not in a Lodge formed.*

You are to salute one another in a courteous manner, as you will be instructed, calling each other Brother, freely giving mutual instruction as shall be thought expedient, without being overseen or overheard, and without encroaching upon each other, or derogating from that respect which is due to any Brother, were he not a Mason; for though all Masons are as brethren upon the same level, yet Masonry takes no honour from a man that he had before; nay, rather it adds to his honour, especially if he has deserved well of the Brotherhood, who must give honour to whom it is due, and avoid ill manners.

4. *Behaviour in Presence of Strangers not Masons.*

You shall be cautious in your words and carriage, that the most penetrating stranger shall not be able to discover or find out what is not proper to be intimated; and sometimes you shall divert a discourse and manage it prudently for the honour of the worshipful Fraternity.

5. *Behaviour at Home, and in your Neighbourhood.*

You are to act as becomes a moral and wise man; particularly not to let your family, friends and neighbours know the concerns of the Lodge, &c., but wisely to consult your own honour and that of the ancient Brotherhood, for reasons not to be mentioned here. You must also consult your health, by not continuing together too late, or too long from home, after Lodge hours are past; and by avoiding of gluttony or drunkenness, that your families be not neglected or injured, nor you disabled from working.

6. *Behaviour towards a Strange Brother.*

You are cautiously to examine him, in such a method as prudence shall direct you, that you may not be imposed upon by an ignorant false pretender, whom you are to reject with contempt and derision, and beware of giving him any hints of knowledge.

But if you discover him to be a true and genuine Brother, you are to respect him accordingly; and if he is in want, you must relieve him if you can, or else direct him how he may be relieved. You must employ him some days, or else recommend him to be employed. But you are not charged to do beyond your ability, only to prefer a poor Brother that is a good man and true, before any other poor people in the same circumstances.

Finally, all these Charges you are to observe, and also those that shall be communicated to you in another way; cultivating brotherly love, the foundation and cape-stone, the cement and glory of this ancient Fraternity; avoiding all wrangling and quarreling, all slander and backbiting, nor permitting others to slander any honest Brother, but defending his character, and doing him all good offices, as far as is consistent with your honour and safety, and no farther. And if any of them do you injury, you must apply to your own or his Lodge, and from thence you may appeal to the

Grand Lodge at the Quarterly Communication, and from thence to the Annual Grand Lodge, as has been the ancient laudable conduct of our forefathers in every nation; never taking a legal course but when the case cannot be otherwise decided, and patiently listening to the honest and friendly advice of Master and Fellows, when they would prevent you going to law with strangers, or would excite you to put a speedy period to all lawsuits, that so you may mind the affair of Masonry with the more alacrity and success; but with respect to Brothers or Fellows at law, the Master and Brethren should kindly offer their mediation, which ought to be thankfully submitted to by the contending brethren; and if that submission is impracticable, they must, however, carry on their process or lawsuit without wrath and rancor, (not in the common way) saying or doing nothing which may hinder brotherly love, and good offices to be renewed and continued; that all may see the benign influence of Masonry, as all true Masons have done from the beginning of the world, and will do to the end of time.

X.—THE GENERAL REGULATIONS OF 1721.

The most complete history that could be given of these General Regulations, is to be found in the title which precedes them in the first edition of Anderson's Constitutions, and which is contained in these words:

General Regulations, first compiled by Mr. George Payne, anno 1720, when he was Grand Master, and approved by the Grand Lodge on St. John Baptist's day, anno 1721, at Stationer's Hall, London, when the Most Noble Prince John, Duke of Montagu, was unanimously chosen our Grand Master for the year ensuing; who chose John Beal, M. D., his Deputy Grand Master; and Mr. Josiah Villeneau and Mr. Thomas Morris, Jun., were chosen by the Lodge Grand Wardens

And now, by the command of our said Right Worshipful Grand Master Montagu, the author of this book has compared them with, and reduced them to the ancient records and immemorial usages of the Fraternity, and digested them into this new method, with several proper explications, for the use of the Lodges in and about London and Westminster.

In subsequent editions of the Book of Constitutions, these Regulations were altered or amended in various points; but the original thirty-nine, as published in the first edition, are all that are now considered as entitled to any authority as part of the universal Written Law of Masonry. Until lately, however, it was difficult to obtain access to the first edition of the Book of Constitutions, prepared for and by order of the Grand Lodge, by the Rev. James Anderson, which had been long out of print, and therefore rare, and consequently many erroneous deductions were made, and false principles laid down in Masonic law, from the fact that the references were made to the new Regulations contained in the subsequent editions. Another fertile source of error was, that Laurence Dermott,in his "Ahiman Rezon, or Help to a Brother," published these "Old Regulations," and that in a mutilated form, with a corresponding column of the "New Regulations," which are, of course, without authority, and which, nevertheless, have been sometimes ignorantly quoted as Masonic law. I shall, as in the instance of the "Charges," occasionally call at tention to these alterations and amendments of the Old Regulations, just as the chart-makers lay down the location of the rocks and breakers which the ship is to avoid.*

I. The Grand Master or his Deputy hath authority and right, not only to be present in any true Lodge, but also to preside wherever he is, with the Master of the Lodge on his left hand, and to order his Grand Wardens to attend him, who are not to act in any particular Lodges as Wardens, but in his presence, and at his command; because there the Grand Master may command the Wardens of that Lodge, or any other brethren he pleaseth, to attend and act as his Wardens *pro tempore.*†

II. The Master of a particular Lodge has the right and authority of congregating the members of his Lodge into a Chapter at pleasure, upon any emergency or occurrence, as well as to appoint the time and place of their usual forming; and in case of sickness, death, or necessary absence of the Master, the Senior Warden shall act as Master *pro tempore,* if no Brother is present who has been Master of that Lodge before; for in that case the absent Master's authority reverts to the last Master then present; though he cannot act until the said Senior Warden has once congregated the Lodge, or in his absence the Junior Warden.*

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* The new Regulations, some of which were adopted as early as 1723, were wanting in this ingredient, that they were not adopted according to the provisions of the 39th Regulation of 1721, viz: That they should be offered at the Grand Feast to the consideration of all the brethren, even the youngest Apprentice. Seeing this difficulty, the Grand Lodge, in 1723, adopted a new Regulation, declaring that "any Grand Lodge duly met has a power to amend or explain any of the printed Regulations in the Book of Constitutions, while they break not in upon the ancient rules of the Fraternity." But I doubt the constitutionality of any alteration, except at an Annual Communication, which has now taken the place of and represents the Grand Feast. At all events, this has been the modern usage, and accordingly, many of these General Regulations have been altered or amended by successive Grand Lodges.

† That is, says the new Regulation, only when the Grand Wardens are absent; for the Grand Master cannot deprive them of their office without showing cause. Such, by universal consent, has been the subsequent interpretation of this Regulation.

III. The Master of each particular Lodge, or one of the Wardens, or some other Brother by his order, shall keep a book containing their by-laws, the names of their members, with a list of all the Lodges in town, and the usual times and places of their forming, and all their transactions that are proper to be written.

IV. No Lodge shall make more than five new brethren at one time, nor any man under the age of twenty-five, who must be also his own master, unless by a dispensation from the Grand Master or his Deputy.

V. No man can be made or admitted a member of a particular Lodge without previous notice one month before given to the said Lodge, in order to make due enquiry into the reputation and capacity of the candidate, unless by the dispensation aforesaid.

VI. But no man can be entered a Brother in any particular Lodge, or admitted to be a member thereof, without the unanimous consent of all the members of that Lodge† then present when the candidate is proposed, and their consent is formally asked by the Master; and they are to signify their consent or dissent in their own prudent way, either virtually or in form, but with unanimity; nor is this inherent privilege subject to a dispensation; because the members of a particular Lodge are the best judges of it; and if a factious member should be imposed on them, it might spoil their harmony, or hinder their freedom; or even break and disperse the Lodge, which ought to be avoided by all good and true brethren.

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* There is a palpable contradiction in the terms of this Regulation, which caused a new Regulation to be adopted in 1723, which declares that the authority of the Master shall, in such cases, devolve on the Senior Warden, and such is now the general sense of the Fraternity.

† A subsequent Regulation allowed the Lodges to admit a member, if not above three ballots were against him. But in this country this has never been considered as good law, and the rule of unanimity has been very strictly enforced.

VII. Every new Brother at his making is decently to clothe the Lodge, that is, all the brethren present, and to deposit something for the relief of indigent and decayed brethren, as the candidate shall think fit to bestow, over and above the small allowance stated by the by-laws of that particular Lodge; which charity shall be lodged with the Master or Wardens, or the cashier, if the members think fit to choose one.

And the candidate shall also solemnly promise to submit to the Constitutions, the Charges and Regulations, and to such other good usages as shall be intimated to them in time and place convenient.

VIII. No set or number of brethren shall withdraw or separate themselves from the Lodge in which they were made brethren, or were afterwards admitted members, unless the Lodge becomes too numerous; nor even then, without a dispensation from the Grand Master or his Deputy; and when they are thus separated, they must either immediately join themselves to such other Lodge as they shall like best, with the unanimous consent of that other Lodge to which they go (as above regulated,) or else they must obtain the Grand Master's warrant to join in forming a new Lodge. If any set or number of Masons shall take upon themselves to form a Lodge without the Grand Master's warrant, the regular Lodges are not to countenance them, nor own them as fair brethren and duly formed, nor approve of their acts and deeds; but must treat them as rebels, until they humble themselves, as the Grand Master shall in his prudence direct, and until he approve of them by his warrant, which must be signified to the other Lodges, as the custom is when a new Lodge is to be registered in the list of Lodges.

IX. But if any Brother so far misbehave himself as to render his Lodge uneasy, he shall be twice duly admonished by the Master or Wardens in a formed Lodge; and if he will not refrain his imprudence, and obediently submit to the advice of the brethren, and reform what gives them offence, he shall be dealt with according to the by-laws of that particular Lodge, or else in such a manner as the Quarterly Communication shall in their great prudence think fit; for which a new Regulation may be afterwards made.

X. The majority of every particular Lodge, when congregated, shall have the privilege of giving instructions to their Master and Wardens, before the assembling of the Grand Chapter or Lodge, at the three Quarterly Communications hereafter mentioned, and of the Annual Grand Lodge too; because their Master and Wardens are their representatives, and are supposed to speak their mind.

XI. All particular Lodges are to observe the same usages as much as possible; in order to which, and for cultivating a good understanding among Freemasons, some members out of every Lodge shall be deputed to visit the other Lodges as often as shall be thought convenient.

XII. The Grand Lodge consists of, and is formed by the Masters and Wardens of all the regular particular Lodges upon record, with the Grand Master at their head, and his Deputy on his left hand, and the Grand Wardens in their proper places; and must have a Quarterly Communication about Michaelmas, Christmas and Lady-day, in some convenient place, as the Grand Master shall appoint, where no Brother shall be present who is not at that time a member thereof without a dispensation; and while he stays, he shall not be allowed to vote, nor even give his opinion, without leave of the Grand Lodge asked and given, or unless it be duly asked by the said Lodge.

All matters are to be determined in the Grand Lodge by a majority of votes, each member having one vote, and the Grand Master having two votes, unless the said Lodge leave any particular thing to the determination of the Grand Master for the sake of expedition.

XIII. At the said Quarterly Communication, all matters that concern the Fraternity in general, or particular Lodges, or single brethren, are quietly, sedately and maturely to be discoursed of and transacted; Apprentices must be admitted Masters and Fellow Crafts only here,* unless by a dispensation. Here also all differences, that cannot be made up and accommodated privately, nor by a particular Lodge, are to be seriously considered and decided; and if any Brother thinks himself aggrieved by the decision of this Board, he may appeal to the Annual Grand Lodge next ensuing, and leave his appeal in writing with the Grand Master, or his Deputy, or the Grand Wardens. Here also the Master or the Wardens of each particular Lodge shall bring and produce a list of such members as have been made, or even admitted in their particular Lodges since the last Communication of the Grand Lodge; and there shall be a book kept by the Grand Master, or his Deputy, or rather by some Brother whom the Grand Lodge shall appoint for Secretary, wherein shall be recorded all the Lodges, with their usual times and places of forming, and the names of all the members of each Lodge; and all the affairs of the Grand Lodge that are proper to be written.

They shall also consider of the most prudent and effectual methods of collecting and disposing of what money shall be given to, or lodged with them in charity, towards the relief only of any true Brother fallen into poverty or decay, but of none else; but every particular Lodge shall dispose of their own charity for poor brethren, according to their own by-laws, until it be agreed by all the Lodges (in a new regulation) to carry in the charity collected by them to the Grand Lodge, at the Quarterly or Annual Communication, in order to make a common stock of it, for the more handsome relief of poor brethren.

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* This is an important Regulation, the subsequent alteration of which, by universal consent, renders many of the Old Regulations inapplicable to the present condition of Masonry. For whereas formerly Entered Apprentices constituted the general body of the Craft, now it is composed altogether of Master Masons; hence many Regulations, formerly applicable to Apprentices can now only be interpreted as referring to Master Masons.

They shall also appoint a Treasurer, a Brother of good worldly substance, who shall be a member of the Grand Lodge by virtue of his office, and shall be always present, and have power to move to the Grand Lodge any thing, especially what concerns his office. To him shall be committed all money raised for charity, or for any other use of the Grand Lodge, which he shall write down in a book, with the respective ends and uses for which the several sums are intended; and shall expend or disburse the same by such a certain order signed, as the Grand Lodge shall afterwards agree to in a new Regulation; but he shall not vote in choosing a Grand Master or Wardens, though in every other transaction. As in like manner the Secretary shall be a member of the Grand Lodge by virtue of his office, and vote in every thing except in choosing a Grand Master or Wardens.

The Treasurer and Secretary shall have each a clerk, who must be a Brother and Fellow-Craft,* but never must be a member of the Grand Lodge, nor speak without being allowed or desired.

The Grand Master or his Deputy shall always command the Treasurer and Secretary, with their clerks and books, in order to see how matters go on, and to know what is expedient to be done upon any emergent occasion.

Another Brother (who must be a Fellow-Craft),* should be appointed to look after the door of the Grand Lodge; but shall be no member of it. But these offices may be further explained by a new Regulation, when the necessity and expediency of them may more appear than at present to the fraternity.

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* Of course, in consequence of the change made in the character of the body of the Fraternity, alluded to in the last note, these officers must now be Master Masons.

XIV. If at any Grand Lodge, stated or occasional, quarterly or annual, the Grand Master and his Deputy should be both absent, then the present Master of a Lodge, that has been the longest a Freemason, shall take the chair, and preside as Grand Master *pro tempore*;* and shall be vested with all his power and honor for the time; provided there is no Brother present that has been Grand Master formerly, or Deputy Grand Master; for the last Grand Master present, or else the last Deputy present, should always of right take place in the absence of the present Grand Master and his Deputy.

XV. In the Grand Lodge none can act as Wardens but the Grand Wardens themselves, if present; and if absent, the Grand Master, or the person who presides in his place, shall order private Wardens to act as Grand Wardens *pro tempore*;† whose places are to be supplied by two Fellow-Craft of the same Lodge, called forth to act, or sent thither by the particular Master thereof; or if by him omitted, then they shall be called by the Grand Master, that so the Grand Lodge may be always complete.

XVI. The Grand Wardens, or any others, are first to advise with the Deputy about the affairs of the Lodge or of the brethren, and not to apply to the Grand Master without the knowledge of the Deputy, unless he refuse his concurrence in any certain necessary affair; in which case, or in case of any difference between the Deputy and the Grand Wardens, or other brethren, both parties are to go by concert to the Grand Master, who can easily decide the controversy, and make up the difference by virtue of his great authority.

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* In the second edition of the Book of Constitutions, printed in 1738, at page 162, this Regulation is thus explained: "In the first edition, the right of the Grand Wardens was omitted in this Regulation; and it has been since found that the old Lodges never put into the chair the Master of a particular Lodge, but when there was no Grand Warden in company, present nor former, and that in such a case a Grand officer always took place of any Master of a Lodge that has not been a Grand officer." This, it may be observed, is the present usage.

† "It was always the ancient usage," says ANDERSON, "that the oldest former Grand Wardens supplied the places of those of the year when absent"—*Const.*, 2d edit., p. 162. Accordingly, the 15th Regulation never was observed.

The Grand Master should receive no intimation of business concerning Masonry, but from his Deputy first, except in such certain cases as his Worship can well judge of; for if the application to the Grand Master be irregular, he can easily order the Grand Wardens, or any other brethren thus applying, to wait upon his Deputy, who is to prepare the business speedily, and to lay it orderly before his Worship.

XVII. No Grand Master, Deputy Grand Master, Grand Wardens, Treasurer, Secretary, or whoever acts for them, or in their stead *pro tempore*, can at the same time be the Master or Warden of a particular Lodge; but as soon as any of them has honorably discharged his Grand office, he returns to that post or station in his particular Lodge from which he was called to officiate above.

XVIII. If the Deputy Grand Master be sick, or necessarily absent, the Grand Master may choose any Fellow-Craft he pleases to be his Deputy *pro tempore;* but he that is chosen Deputy at the Grand Lodge, and the Grand Wardens too, cannot be discharged without the cause fairly appear to the majority of the Grand Lodge; and the Grand Master, if he is uneasy, may call a Grand Lodge on purpose to lay the cause before them, and to have their advice and concurrence; in which case the majority of the Grand Lodge, if they cannot reconcile the Master and his Deputy or his Wardens, are to concur in allowing the Master to discharge his said Deputy or his said Wardens, and to choose another Deputy immediately; and the said Grand Lodge shall choose other Wardens in that case, that harmony and peace may be preserved.

XIX. If the Grand Master should abuse his power, and render himself unworthy of the obedience and subjection of the Lodges, he shall be treated in a way and manner to be agreed upon in a new Regulation; because hitherto the ancient Fraternity have had no occasion for it, their former

Grand Masters having all behaved themselves worthy of that honourable office.

XX. The Grand Master, with his Deputy and Wardens, shall (at least once) go round and visit all the Lodges about town during his Mastership.

XXI. If the Grand Master die during his Mastership; or by sickness, or by being beyond sea, or any other way should be rendered uncapable of discharging his office, the Deputy, or in his absence the Senior Grand Warden, or in his absence the Junior, or in his absence any three present Masters of Lodges, shall join to congregate the Grand Lodge immediately, to advise together upon that emergency, and to send two of their number to invite the last Grand Master,* to resume his office, which now in course reverts to him; or if he refuse, then the next last, and so backward; but if no former Grand Master can be found, then the Deputy shall act as principal, until another is chosen; or if there be no Deputy, then the oldest Master.

XXII. The brethren of all the Lodges in and about London and Westminster shall meet at an Annual Communication and Feast,† in some convenient place, on St. John Baptist's day, or else on St. John Evangelist's day, as the Grand Lodge shall think fit by a new Regulation, having of late years met on St. John Baptist's day; provided: The majority of Masters and Wardens, with the Grand Master, his Deputy and Wardens, agree at their Quarterly Communication,‡ three months before, that there shall be a feast, and a General

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* The modern usage is for the highest present Grand officer to assume the vacant post.

† Very few Grand Lodges now observe this Regulation. The feast of St. John is celebrated everywhere by the private Lodges; but the Annual Communications of Grand Lodges generally occur at a different period of the year.

‡ Quarterly Communications are still held by the Grand Lodge of England, and a few Grand Lodges in this country; but the Regulation is becoming generally obsolete, simply because it has been found impracticable.

Communication of all the brethren; for if either the Grand Master, or the majority of the particular Masters are against it, it must be dropt for that time.

But whether there shall be a feast for all the brethren or not, yet the Grand Lodge must meet in some convenient place annually, on St. John's day; or if it be Sunday, then on the next day, in order to choose every year a new Grand Master, Deputy and Wardens.

XXIII. If it be thought expedient, and the Grand Master, with the majority of the Masters and Wardens, agree to hold a grand feast, according to the ancient laudable custom of Masons, then the Grand Wardens shall have the care of preparing the tickets, sealed with the Grand Master's seal, of disposing of the tickets, of receiving the money for the tickets, of buying the materials of the feast, of finding out a proper and convenient place to feast in; and of every other thing that concerns the entertainment.

But that the work may not be too burthensome to the two Grand Wardens, and that all matters may be expeditiously and safely managed, the Grand Master or his Deputy shall have power to nominate and appoint a certain number of Stewards, as his Worship shall think fit, to act in concert with the two Grand Wardens; all things relating to the feast being decided amongst them by a majority of voices; except the Grand Master or his Deputy interpose by a particular direction or appointment.

XXIV. The Wardens and Stewards shall, in due time, wait upon the Grand Master or his Deputy for directions and orders about the premises; but if his Worship and his Deputy are sick, or necessarily absent, they shall call together the Masters and Wardens of Lodges to meet on purpose for their advice and orders, or else they may take the matter wholly upon themselves, and do the best they can.

The Grand Wardens and the Stewards are to account for all the money they receive or expend, to the Grand Lodge, after dinner, or when the Grand Lodge shall think fit to receive their accounts.

If the Grand Master pleases, he may in due time summon all the Masters and Wardens of Lodges to consult with them about ordering the grand feast, and about any emergency or accidental thing relating thereunto, that may require advice; or else to take it upon himself altogether.

XXV. The Masters of Lodges shall each appoint one experienced and discreet Fellow-Craft of his Lodge, to compose a committee, consisting of one from every Lodge, who shall meet to receive, in a convenient apartment, every person that brings a ticket, and shall have power to discourse him, if they think fit, in order to admit him or debar him, as they shall see cause; provided, they send no man away before they have acquainted all the brethren within doors with the reasons thereof, to avoid mistakes, that so no true Brother may be debarred, nor a false Brother or mere pretender admitted. This committee must meet very early on St. John's Day at the place, even before any persons come with tickets.

XXVI. The Grand Master shall appoint two or more trusty brethren to be porters or doorkeepers, who are also to be early at the place for some good reasons, and who are to be at the command of the committee.

XXVII. The Grand Wardens or the Stewards shall appoint beforehand such a number of brethren to serve at table as they think fit and proper for that work; and they may advise with the Masters and Wardens of Lodges about the most proper persons, if they please, or may take in such by their recommendation; for none are to serve that day but Free and Accepted Masons, that the communication may be free and harmonious.

XXVIII. All the members of the Grand Lodge must be at the place long before dinner, with the Grand Master, or his Deputy, at their head, who shall retire and form themselves And this is done in order:

1. To receive any appeals duly lodged, as above regulated, that the appellant may be heard, and the affair may be amicably decided before dinner, if possible; but if it cannot, it must be delayed till after the new Grand Master is elected; and if it cannot be decided after dinner, it may be delayed, and referred to a particular committee, that shall quietly adjust it, and make report to the next Quarterly Communication, that brotherly love may be preserved.

2. To prevent any difference or disgust which may be feared to arise that day; that no interruption may be given to the harmony and pleasure of the grand feast.

3. To consult about whatever concerns the decency and decorum of the Grand Assembly, and to prevent all indecency and ill manners, the assembly being promiscuous.

4. To receive and consider of any good motion, or any momentous and important affair, that shall be brought from the particular Lodges, by their representatives, the several Masters and Wardens.

XXIX. After these things are discussed, the Grand Master and his Deputy, the Grand Wardens, or the Stewards, the Secretary, the Treasurer, the Clerks, and every other person, shall withdraw, and leave the Masters and Wardens of the particular Lodges alone, in order to consult amicably about electing a new Grand Master, or continuing the present, if they have not done it the day before; and if they are unanimous for continuing the present Grand Master, his Worship shall be called in, and humbly desired to do the Fraternity the honor of ruling them for the year ensuing; and after dinner it will be known whether he accepts of it or not; for it should not be discovered but by the election itself.

XXX. Then the Masters and Wardens, and all the brethren, may converse promiscuously, or as they please to sort together, until the dinner is coming in, when every Brother takes his seat at table.

XXXI. Some time after dinner the Grand Lodge is formed not in retirement, but in the presence of all the brethren, who yet are not members of it, and must not therefore speak until they are desired and allowed.

XXXII. If the Grand Master of last year has consented with the Master and Wardens in private, before dinner, to continue for the year ensuing; then one of the Grand Lodge, deputed for that purpose, shall represent to all the brethren his Worship's good government, &c. And turning to him, shall, in the name of the Grand Lodge, humbly request him to do the Fraternity the great honour (if nobly born,) if not, the great kindness of continuing to be their Grand Master for the year ensuing. And his Worship declaring his consent by a bow or a speech, as he pleases, the said deputed member of the Grand Lodge shall proclaim him Grand Master, and all the members of the Lodge shall salute him in due form. And all the brethren shall for a few minutes have leave to declare their satisfaction, pleasure and congratulation.

XXXIII. But if either the Master and Wardens have not in private, this day before dinner, nor the day before, desired the last Grand Master to continue in the mastership another year; or if he, when desired, has not consented: Then

The last Grand Master shall nominate his successor for the year ensuing, who, if unanimously approved by the Grand Lodge, and if there present, shall be proclaimed, saluted and congratulated the new Grand Master, as above hinted, and immediately installed by the last Grand Master, according to usage.

XXXIV. But if that nomination is not unanimously approved, the new Grand Master shall be chosen immediately by ballot, every Master and Warden writing his man's name, and the last Grand Master writing his man's name too; and the man whose name the last Grand Master shall first take out, casually or by chance, shall be Grand Master for the year ensuing; and if present, he shall be proclaimed, saluted and congratulated, as above hinted, and forthwith installed by the last Grand Master, according to usage.*

XXXV. The last Grand Master thus continued, or the new Grand Master thus installed, shall next nominate and appoint his Deputy Grand Master, either the last or a new one, who shall be also declared, saluted and congratulated, as above hinted.

The Grand Master shall also nominate the new Grand Wardens, and if unanimously approved by the Grand Lodge, shall be declared, saluted and congratulated, as above hinted; but if not, they shall be chosen by ballot, in the same way as the Grand Master; as the Wardens of private Lodges are also to be chosen by ballot in each Lodge, if the members thereof do not agree to their Master's nomination.

XXXVI. But if the Brother, whom the present Grand Master shall nominate for his successor, or whom the majority of the Grand Lodge shall happen to choose by ballot, is, by sickness or other necessary occasion, absent from the grand feast, he cannot be proclaimed the new Grand Master, unless the old Grand Master, or some of the Masters and Wardens of the Grand Lodge can vouch, upon the honour of a Brother, that the said person, so nominated or chosen, will readily accept of the said office; in which case the old Grand Master shall act as proxy, and shall nominate the Deputy and Wardens in his name, and in his name also receive the usual honours, homage and congratulation.

XXXVII. Then the Grand Master shall allow any Brother, Fellow-Craft, or Apprentice, to speak, directing his discourse to his Worship; or to make any motion for the good of the Fraternity, which shall be either immediately considered and finished, or else referred to the consideration of the Grand Lodge at their next communication, stated or occasional. When that is over,

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* I know of no instance on record in which this custom of selecting by lot has been followed. The regulation is now clearly everywhere obsolete.

XXXVIII. The Grand Master, or his Deputy, or some Brother appointed by him, shall harangue all the brethren, and give them good advice; and lastly, after some other transactions, that cannot be written in any language, the brethren may go away or stay longer, if they please.

XXXIX. Every Annual Grand Lodge has an inherent power and authority to make new Regulations,* or to alter these, for the real benefit of this ancient Fraternity: provided always that the old Landmarks be carefully preserved, and that such alterations and new Regulations be proposed and agreed to at the third Quarterly Communication preceding the annual grand feast; and that they be offered also to the perusal of all the brethren before dinner, in writing, even of the youngest Apprentice; the approbation and consent of the majority of all the brethren present being absolutely necessary to make the same binding and obligatory; which must, after dinner, and after the new Grand Master is installed, be solemnly desired; as it was desired and obtained for these Regulations, when proposed by the Grand Lodge, to about 150 brethren, on St. John Baptist's day, 1721.

The Constitutions, Charges and Regulations here presented to the reader, and which were adopted at various periods, from 926 to 1722, constitute the Written Law of Masonry, and they were at one time co-extensive in authority with the Landmarks of the Order. From these, however, they differ in this respect, that the Landmarks being unrepealable, must ever continue in force; but the Written Law, having been adopted by the supreme legislative authority of the Order at the time, may be altered, amended, or altogether repealed by the same supreme authority—a doctrine which is explicitly set forth in the Thirty-ninth General Regulation. Accordingly, portions of this Written Law have, from time to time, been materially modified by different Grand Lodges, as will be evident upon inspection of these laws with the modern Constitutions of any jurisdiction.

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* See note on page 65.

It may, however, be considered as an axiom of Masonic law, that in every Masonic jurisdiction, where any one of these Regulations has not been formally or implicitly repealed by a subsequent enactment of a new law, the old Regulation will continue in force, and the Craft must be governed by its provisions.

So in all doubtful questions of Masonic law, recourse must be had, in forming an opinion, first to the Landmarks, and then to this code of Written Laws ; and out of these two authorities, the legal *dictum* is to be established, because all the principles of law are embraced in these two authorities, the Ancient Landmarks and the Ancient Written Law ; and hence they have been necessarily incorporated into this volume, as a fitting introduction, under the appropriate title of the FOUNDATIONS OF MASONIC LAW.

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BOOK II.

Law Relating to Candidates.

THE position of a candidate is a transition state from the profane world to the Masonic institution. It is the first step taken which is to place the recipient within the jurisdiction of Masonic Law. It is proper, therefore, to commence a treatise on that subject, with a consideration of all that relates to this peculiar condition, such as the qualifications of candidates, and their method of application and admission, or rejection. These topics will therefore be considered in the present Book.

CHAPTER I.

The Qualifications of Candidates.

The qualifications which are essential in those who apply for initiation into the mysteries of Freemasonry, are of two kinds, *internal* and *external.**

The *internal qualifications* of a candidate are those which lie within his own bosom, and are not patent to the world. They refer to his peculiar dispositions towards the institution—his motives and design in seeking an entrance into it. Hence they are known to himself alone; and a knowledge of them can only be acquired from his own solemn declarations.

The *external qualifications* are those which refer to his outward fitness for initiation, and are based on his moral and religious character, the frame of his body, the constitution of his mind, and his social position. A knowledge of these is to be acquired from a careful examination by a committee appointed for that purpose.

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* It is true that the ritual of the first degree says, that "it is the internal and not the external qualifications which recommend a man to be made a Mason," but the context of the sentence shows that the external qualifications there referred to are "worldly wealth and honors." The ritual, therefore, has of course no allusion to the sort of external qualifications which are here to be discussed.

Each of these divisions requires a separate consideration.

SECTION I.

THE INTERNAL QUALIFICATIONS.

The first of these internal qualifications is, that every candidate for initiation into the mysteries of Freemasonry must come of his own *free will and accord.** This is a peculiar feature of the Masonic institution that must commend it to the respect of every generous mind. In other associations, it is considered meritorious in a member to exert his influence in obtaining applications for admission, but it is wholly uncongenial with the spirit of our Order to persuade any one to become a Mason. Whosoever seeks a knowledge of our mystic rites, must first be prepared for the ordeal in his heart: he must not only be endowed with the necessary moral qualifications which would fit him for admission into a society which is founded on the purest principles of virtue and religion, but he must come, too, uninfluenced by the persuasions of friends. This is a settled usage of the Order, and therefore nothing can be more painful to a true Mason than to see this usage violated by young and needless brethren. It cannot be denied that this usage is sometimes violated; and this habit of violation is one of those unhappy influences often almost insensibly exerted upon Masonry by the existence of the many imitative societies to which the present age, like those which preceded it, has given birth, and which resemble Masonry in nothing, except in having some sort of a secret ceremony of initiation. And hence there are some men who, coming among us, imbued with the principles and accustomed to the usages of these modern societies,* in which the persevering solicitation of candidates is considered as a legitimate and even laudable practice, bring with them these preconceived notions, and consider it as their duty to exert all their influence in persuading their friends to become members of the Craft. Men who thus misconceive the true policy of our institution, should be instructed by their older and more experienced brethren that it is wholly in opposition to all our laws and principles to ask any one to become a Mason, or to exercise any kind of influence upon the minds of others, except that of a truly Masonic life and a practical exemplification of the tenets by which they may be induced to ask admission into our Lodges. We must not seek—we are to be sought.

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* Preston, (*Illust.* p. 32, *note*, Ol. *ed.*) lays down the following as "the Declaration to be assented to by every candidate previous to initiation, and to be subscribed by his name at full length," and this form of declaration, it may be added, has been almost verbally adhered to by all subsequent authorities:

"I, [A. B.,] being free by birth, and of the full age of twenty-one years, do declare, that, unbiased by the improper solicitation of friends, and uninfluenced by mercenary or other unworthy motives, *I freely and voluntarily offer myself* a candidate for the mysteries of Masonry," &c.

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* The evil influences exerted by these societies on our institution have frequently attracted attention. The Grand Inspectors for the city of Baltimore, in the Grand Lodge of Maryland, make on this subject the following remarks: "Many are crowding into our institution from other secret societies, having their prejudices and peculiar ideas and notions, with a disposition to make Masonry conform to what they have been taught elsewhere; and finding places of power and honor easy of access, are hardly sensible of the burdens imposed upon Entered Apprentices, or conscious of what material is necessary for the building, before they are superintending, as Masters, its construction, and sometimes seem indignant that they should be told they are spoiling the temple."—*Proceedings G. L. of Md.*, 1857, p. 35.

And if this were not an ancient law, imbedded in the very cement that upholds our system, policy alone would dictate an adherence to the voluntary usage. We need not now fear that our institution will suffer from a deficiency of members. Our greater dread should be that, in its rapid extension, less care may be given to the selection of candidates than the interests and welfare of the Order demand. There can, therefore, be no excuse for the practice of persuading candidates, but every hope of safety in avoiding such a practice. It should always be borne in mind that the candidate who comes to our altar, not of his own "free will and accord,"* but induced by the persuasion of his friends, no matter how worthy he may otherwise be, violates, by so coming, the requirements of the institution on the very threshold of its temple, and, in ninety-nine cases out of a hundred, fails to become imbued with that zealous attachment to the

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* The oldest rituals which I have been enabled to consult, preserve this or a similar form of words. The voluntary principle has always prevailed and been recognized in every country.

Order which is absolutely essential to the formation of a true Masonic character.

The next internal qualification of a candidate is that, in making his application, he must be *uninfluenced by mercenary motives.** If the introduction of candidates under the influence of undue solicitation is attended with an injurious effect upon the institution, how much more fatal must be the results when the influence exerted is of a mean and ignoble kind, and when the applicant is urged onwards only by the degrading hopes of pecuniary interest or personal aggrandizement. The whole spirit of the Order revolts at the very idea of such a prostitution of its noble purposes, and turns with loathing from the aspirant who seeks its mysteries, impelled, not by the love of truth and the desire of knowledge, but by the paltry inducements of sordid gain.

"There was a time," says an eloquent and discerning Brother,† "when few except the good and true either sought for or gained admission into Masonic Lodges, for it was thought that such alone could find their affinities there. Masons were then comparatively few, and were generally known and distinguished for those qualifications which the teachings of the Order require on the part of all who apply for admission. They were not of those who would make merchandise of its benefits, by prostituting them to the purposes of individual emolument. They were not of those who would seek through Masonic appliances to re-invigorate a decaying reputation, and gain a prominency within the Lodge that was unattainable without it; or worse still, to use its influences to gain prominency elsewhere."

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* This qualification is included in the Declaration from Preston, already quoted on a preceding page.

† Brother W. H. Howard, Past Grand Master of California. See his Address in the Proceedings of the Grand Lodge of California, 1857, p. 12.

But that which was unknown in the times when Masonry was struggling for its existence, and when prejudice and bigotry barely tolerated its presence, has now become a "crying evil"—when Masonry, having outlived its slanderers, and wrought out its own reputation, is to be classed among the most popular institutions of the day. And hence it becomes incumbent on every Mason closely to inquire whether any applicant for initiation is invited to his pursuit by a love of truth, a favorable opinion which he has conceived of the institution, and a desire, through its instrumentality, of benefiting his fellow creatures, or whether he comes to our doors under the degrading influences of mercenary motives.

The presence of these internal qualifications is to be discovered, as I have already said, from the statements of the candidate himself; and hence by an ancient usage of the Order, which should never be omitted, a declaration to the necessary effect is required to be made by the candidate in the presence of the Stewards of the Lodge, or a committee appointed for that purpose, in an adjoining apartment, previous to his initiation. The oldest form of this declaration used in this country is that contained in Webb's Monitor,* and is in these words:

> "Do you seriously declare, upon your honor, before these gentlemen, that, unbiassed by friends and uninfluenced by mercenary motives, you freely and voluntarily offer yourself a candidate for the mysteries of Masonry?
>
> "Do you seriously declare, upon your honor, before these gentlemen, that you are prompted to solicit the privileges of Masonry by a favorable opinion conceived of the institution, a desire of knowledge, and a sincere wish of being serviceable to your fellow creatures?
>
> "Do you seriously declare, upon your honor, before these gentlemen, that you will cheerfully conform to all the ancient established usages and customs of the Fraternity?"

Some Grand Lodges have slightly added to the number of these questions, but the three above cited appear to be all that ancient usage warrants or the necessities of the case require.

SECTION II.

THE EXTERNAL QUALIFICATIONS.

We have already said that the external qualifications of every candidate are based upon his moral and religious character, the frame of his body, the constitution of his mind, and his social position. These qualifications are therefore of a fourfold nature, and must be considered under the distinct heads of *Moral*, *Physical*, *Intellectual* and *Political*.

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* Edition of 1808, p. 32. The Declaration previously published by PRESTON differs very slightly from this.

Moral Qualifications.

All the old Constitutions, from those of York in 926, to the Charges approved in 1722, refer, in pointed terms, to the moral qualifications which should distinguish a Mason, and, of consequence, a candidate who desires to be admitted into the Fraternity.* The Charges of 1722 commence with the emphatic declaration that "a Mason is obliged by his tenure to obey the moral law; and if he rightly understands the art, he will never be a stupid atheist nor an irreligious libertine."† Obedience, therefore, to a particular practical law of morality and belief in certain religious dogmas, seem to constitute the moral qualifications of every candidate for admission into the Fraternity. The proper inquiry will then be into the nature of this law of conduct and these dogmas of belief.

The term "moral law," in a strictly theological sense, signifies the Ten Commandments which were given to the Jewish nation; but although it is admitted that an habitual violatior of the spirit of these laws would disqualify a man from being made a Mason, I am disposed to give a wider latitude to the definition, and to suppose that the *moral law* "denotes the rule of good and evil, or of right and wrong, revealed by the Creator and inscribed on man's conscience even at his creation, and consequently binding upon him by divine authority."* Dr. Anderson, the compiler of the first edition of the Book of Constitutions, seems, in the latter part of his life, to have inclined to this opinion; for, in the second edition of the same work, published in 1738, he modified the language of the Charge above cited, in these words: "A Mason is obliged by his tenure to observe the moral law as a true Noachida,"† thus extending the limits of the law to those Precepts of Noah which are supposed to be of universal obligation among all nations.‡ It is true that on the publication of the third edition of the Constitutions, in 1755, the Grand Lodge of England restored the original reading of the Charge; but the fact that the alteration had once been made by Anderson, is strong presumptive evidence that he was unwilling to restrict the moral code of Masonry to the commandments set forth by the Jewish lawgiver. Apart from the fact that many learned and pious Christian divines have doubted how far the

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* "Every Mason shall cultivate brotherly love, and the love of God, and frequent holy church."—*Old York Constitutions*, point 1. "Ye shall be true men to God and the holy church, and to use no error or heresy by your understanding and by wise men's teaching."—*Installation Charges* of 1686, No. 1. "The persons admitted members of a Lodge must be good and true men, ... no immoral or scandalous men, but of good report." *Charges of* 1722, No. 3. All of these are summed up in the ritualistic phrase that the candidate must be "under the tongue of good report."

† ANDERSON'S *Constitutions*, edit. 1723, p. 50.

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* *Encyclop. of Relig. Knowled.*, art. *Law.* Boston, 1835.

† ANDERSON'S *Constitutions*, 2d edit., 1738, p. 143.

‡ As these Precepts of the patriarch Noah are frequently referred to as having been the constitutions of our ancient brethren, it may be well to enumerate them. They are seven in number, and are as follows: 1. Renounce all idols. 2. Worship the only true God. 3. Commit no murder. 4. Be not defiled by incest. 5. Do not steal. 6. Be just. 7. Eat no flesh with blood in it.

Jewish law is to be considered binding, except as it is confirmed by the express sanctions of the New Testament,* the consideration that Masonry, being a cosmopolitan institution, cannot be prescribed within the limits of any particular religion, must lead us to give a more extended application to the words "moral law," contained in the old Charge. Hence, then, we may say, that he who desires to become a Mason, must first be qualified for initiation by a faithful observance of all those principles of morality and virtue which practically exhibit themselves in doing unto others as he would that they, in like circumstances, should do unto him. This constitutes the golden rule—the true basis of all moral law. The man who thus conducts himself will necessarily receive not only the reward of his own conscience, but the approbation and respect of the world; to which latter consequence, as an evidence of a well-spent life, the ritual refers when it requires, as one of the qualifications of a candidate, that he should be "under the tongue of good report." The man who submits to this rule, will of necessity observe the decalogue; not always because it is the decalogue, but because its dictates are the dictates of right and justice; and he will thus come strictly within the provisions of the old Charge, even in its most limited acceptation, and will of course "obey the moral law."

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* Thus MARTIN LUTHER says: "The law belongs to the Jews, and binds us no more. From the text it is clear that the Ten Commandments also do not belong to us, because he has not led us out of Egypt, but the Jews only. Moses we will take to be our teacher, but not as our lawgiver, unless he agrees with the New Testament and the natural law." *Unterricht wie sich die Christen in Mosen schicken sollen.*

The religious qualifications are embraced in the same Charge, under the expression, that if a Mason "rightly understands the art, he will never be a stupid atheist nor an irreligious libertine."

A belief in God is one of the unwritten Landmarks of the Order, requiring no regulation or statutory law for its confirmation. Such a belief results from the very nature of the Masonic institution, and is set forth in the rituals of the Order as one of the very first pre-requisites to the ceremony of initiation. This Divine Being, the creator of heaven and earth, is particularly viewed in Masonry in his character as the Great Master Builder of the Worlds, and is hence masonically addressed as the GRAND ARCHITECT OF THE UNIVERSE.*

But consequent on a belief in him, and indeed inseparably connected with it, is a belief in a resurrection to a future life. This doctrine of a resurrection is also one of the great Landmarks of the Order, and its importance and necessity may be estimated from the fact, that almost the whole design of speculative Masonry, from its earliest origin, seems to have been to teach this great doctrine of the resurrection.†

As to any other religious doctrines, Masonry leaves its candidates to the enjoyment of their own opinions, whatever they may be.* The word "libertine," which is used in the old Charges, conveyed, at the time when those Charges were composed, a meaning somewhat different from that which is now given to it. Bailey defines *libertinism* to be "a false liberty of belief and manners, which will have no other dependence but on particular fancy and passion; a living at large, or according to a person's inclination, without regard to the divine laws."† A "religious libertine" is, therefore, a rejector of all moral responsibility to a superior power, and may be well supposed to be a denier of the existence of a Supreme Being and of a future life. Such a skeptic is, therefore, by the innate constitution of speculative Masonry, unfit for initiation, because the object of all Masonic initiation is to teach these two great truths.

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* Very usually abbreviated thus, "G.A.O.T.U."

† "This our Order is a positive contradiction to the Judaic blindness and infidelity, and testifies our faith concerning the resurrection of the body."—HUTCHINSON, *Spirit of Masonry*, p. 101.

Within a few years an attempt has been made by some Grand Lodges to add to these simple, moral, and religious qualifications, another, which requires a belief in the divine authenticity of the Scriptures.‡

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* "Though in ancient times Masons were charged in every country to be of the religion of that country or nation, whatever it was, yet it is now thought more expedient only to oblige them to that religion in which all men agree, leaving their particular opinions to themselves."—*Charges of* 1722, No. 1.

† *Universal Etymological English Dictionary*, anno 1737.

‡ In 1820, the Grand Lodge of Ohio resolved that "in the first degrees of Masonry, religious tenets shall not be a barrier to the admission or advancement of applicants, provided they profess a belief in *God and his holy word*."—*Proceedings of G. L. of Ohio, from* 1808 *to* 1847 *inclusive. Columbus* 1857, p. 113. And in 1854 it adopted a resolution declaring

It is much to be regretted that Masons will sometimes forget the fundamental law of their institution, and endeavor to add to or to detract from the perfect integrity of the building, as it was left to them by their predecessors. Whenever this is done, the beauty of our temple must suffer. The Landmarks of Masonry are so perfect that they neither need nor will permit of the slightest amendment. Thus in the very instance here referred to, the fundamental law of Masonry requires only a belief in the Supreme Architect of the universe, and in a future life, while it says, with peculiar toleration, that in all other matters of religious belief, Masons are only expected to be of that religion in which all men agree, leaving their particular opinions to themselves. Under the shelter of this wise provision, the Christian and the Jew, the Mohammedan and the Brahmin, are permitted to unite around our common altar, and Masonry becomes, in practice as well as in theory, universal. The truth is, that Masonry is undoubtedly a religious institution—its religion being of that universal kind in which all men agree, and which, handed down through a long succession of ages, from that ancient priesthood who

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"that Masonry, as we have received it from our fathers, teaches the divine authenticity of the Holy Scriptures."—*Proc. G. L., Ohio*, 1854, p. 72. Commenting on this resolution, the Committee of Correspondence of the G. L. of Alabama say: "That some *Masons* may teach the divine authenticity of the Holy Scriptures, is true, because some Masons are Christians; but Masonry does nothing of the sort, but leaves every man to his own opinion upon that subject, as it does upon his politics, his religion, his profession."—*Proc. G. L. Ala.*, 1855, p. 67.

first taught it, embraces the great tenets of the existence of God and the immortality of the soul—tenets which, by its peculiar symbolic language, it has preserved from its foundation, and still continues, in the same beautiful way, to teach. Beyond this, for its religious faith, we must not and cannot go.

It may, then, I think, be laid down as good Masonic law, with respect to the moral and religious qualifications of candidates, that they are required to be men of good moral character, believing in the existence of God and in a future state. These are all the moral qualifications that can be demanded, but each of them is essential.

Physical Qualifications.

The physical qualifications of a candidate are repeatedly alluded to in the ancient Charges and Constitutions, and may be considered under the three heads of Sex, Age, and Bodily Conformation.

1. *As to Sex.*—It is an unquestionable Landmark of the Order, and the very first pre-requisite to initiation, that the candidate shall be "a man." This of course prohibits the initiation of a woman. This Landmark arises from the peculiar nature of our speculative science as connected with an operative art. Speculative Masonry is but the application of operative Masonry to moral and intellectual purposes. Our predecessors wrought, according to the traditions of the Order, at the construction of a ma-

the Order, for it is held that it may be set aside by the dispensation of the Grand Master.

5. It seems also to be a very general regulation that no Lodge shall confer more than one degree on the same candidate at one communication, unless it be on urgent necessity, by the dispensation of the Grand Master. We find no such rule in the General Regulations of 1721, because there was no necessity at that time for it, as subordinate Lodges conferred only one degree, that of Entered Apprentice. But subsequently, when the usage was adopted of conferring all the degrees in the subordinate Lodges, it was found necessary, in this way, to restrain the too rapid advancement of candidates; and accordingly, in 1753, it was ordered that no Lodge shall "be permitted to make and raise the same brother at one and the same meeting, without a dispensation from the Grand Master." But as no such regulation is to be found in any of the written or unwritten laws previous to 1717, it can only have such authority as is derived from the local enactment of a Grand Lodge, or the usage in a particular jurisdiction. But the usage in this country always has been opposed to the conferring more than one degree at the same communication, without a dispensation.*

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* Some jurists deny the right of the Grand Master to grant a dispensation for conferring the three degrees at the same communication. But I know of no ancient law which supports such a theory, and the records of the Book of Constitutions show several instances in which it was done in "occasional Lodges." Besides, the Regulation quoted in the text is an admission that in cases of emergency, such a dispensation may be granted.

III. *A Lodge has the right to transact all business that can be legally transacted by regularly congregated Masons.* This also is one of the objects for which the warrant was granted, but like the preceding right already considered, it is to be exercised under the regulation of certain restrictions.

It seems now to be almost universally conceded that all mere business (by which word I wish to make a distinction from what is technically called "Masonic work.") must be transacted in the third degree. This is a very natural consequence of the change which has taken place in the organization of the craft. Originally, as I have already repeatedly observed, the Fellow Crafts constituted the great body of the fraternity—the Master's degree being confined to that select few who presided over the Lodges. At that time the business of the Order was transacted in the second degree, because the possessors of that degree composed the body of the craft. Afterwards, in the beginning, and up almost to the middle of the last century, this main body was made up of Entered Apprentices, and then the business of Lodges was necessarily transacted in the first degree. Now, and ever since the middle of the eighteenth century, for more than one hundred years, the body of the craft has consisted only of Master Masons. Does it not then follow, by a parity of reasoning, that all business should be now transacted in the third degree? The ancient Charges and Constitutions give us no explicit law on the subject, but the whole spirit and tenor of

Masonic usage has been that the business of Lodges should be conducted in that degree, the members of which constitute the main body of the craft at the time. Whence it seems but a just deduction that at the present time, and in the present condition of the fraternity, all business, except the mere ritual work of the inferior degrees, should be conducted in the third degree. Another exception must be made as to the examination of witnesses in the trial of an Entered Apprentice or a Fellow Craft, which, for purposes of justice, should be conducted in the degree to which the defendant has attained ; but even here the final decision should always be made in the third degree.

In conducting the business of a Lodge, certain rules are to be observed, as in all other deliberative bodies ; but these will be more appropriately considered in a chapter devoted to the discussion of "rules of order," in a subsequent part of this work.

IV. *A Lodge has the right to be represented at all communications of the Grand Lodge.* I have already said, in a previous part of this work, that it is a Landmark of the Order that every Mason has a right to be represented in all general meetings of the craft.* The origin of this right is very intimately connected with an interesting portion of the history of the institution. In former times, every Mason, even "the youngest Entered Apprentice," had a right to be present at the General Assembly of the craft, which was annually held. And even as late as 1717, on the re-organization of the Grand Lodge of England, we are informed by Preston that the Grand Master summoned *all the brethren* to meet him and his Wardens in the quarterly communications.* But soon after, it being found, I presume, that a continuance of such attendance would render the Grand Lodge an unwieldy body ;† and the rights of the fraternity having been securely guarded by the adoption of the thirty-nine Regulations, it was determined to limit the appearance of the brethren of each Lodge, at the quarterly communications, to its Master and Wardens, so that the Grand Lodge became thenceforth a strictly representative body, composed of the first three officers of the subordinate Lodges. The inherent right and the positive duty of every Mason to be present at the General Assembly or Grand Lodge, was relinquished, and a representation by Masters and Wardens was substituted in its place. A few modern Grand Lodges have disfranchised the Wardens also, and confined the representation to the Masters only. But this is evidently an innovation, having no color of authority in the Old Regulations.

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* See *ante*, p. 27

The right of instruction follows, as a legitimate corollary, from that of representation, for it is evident that a Lodge whose instructions to its officers for their conduct in the Grand Lodge should not be obeyed, would not, in fact, be represented in that body. Accordingly the right of instruction is, for that reason, explicitly recognized in the General Regulations of 1721.*

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* "The Grand Master then entered on the duties of his office, appointed his Wardens, and commanded *the brethren of the four Lodges* to meet him and his Wardens quarterly in communication."—PRESTON, p. 182.

† Thus ANDERSON tells us that, in 1721, when the number of the Lodges were much less than twenty, for that was only the number recorded on the registry of 1723, " PAYNE, Grand Master, observing the number of Lodges to increase, and that the General Assembly required more room, proposed the next assembly and feast to be held at Stationers' Hall, Ludgate Street which was agreed to."—ANDERSON, second ed., 1738, p. 112.

V. *A Lodge has the right to increase its numbers by the admission of new members.* The warrant of constitution having been granted permanently and for the general objects of Masonry, and not for a specific purpose and a prescribed period, as is the case with Lodges under dispensation, the quality of perpetuity is granted with it as one of the necessary conditions. But this perpetuity can only be secured by the admission of new members to supply the places of those who die or demit.† This admission may take place either by the initiation of profanes, who acquire by that initiation the right of membership, or by the election of unaffiliated Masons. Both of these methods of increasing the members of a Lodge are controlled by certain regulations, which have been already discussed in previous portions of this work, and need not be repeated here. The reader is accordingly referred, for the subject of admission by initiation, to Book III., chap. III., sec. I., p. 180, and for that of admission by election to the succeeding section of the same chapter, p. 196. The subject of honorary membership has also been fully discussed in pages 189–192.*

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* "The majority of every particular Lodge, when congregated, shall have the privilege of giving instructions to their Master and Wardens, before the assembling of the Grand Chapter or Lodge, at the three quarterly communications hereafter mentioned, and of the annual Grand Lodge too; because their Master and Wardens are their representatives, and are supposed to speak their mind."—*Regulations of* 1721, article x. ANDERSON, first edit., page 61.

† See Landmarks 10 and 12, *ante*, p. 26.

VI. *A Lodge has the right to elect its officers.* It is a Landmark of the Order that every Lodge should be governed by a Master and two Wardens, and that the secrecy of its labors should be secured by a tiler. These officers it is the inherent right of every Lodge to select for itself, and that right has never been surrendered to the Grand Lodge, and therefore is still vested in the Lodges, under such regulations as may from time to time be adopted. The other officers have been the creation of Grand Lodge regulations, and they vary in name and functions in different countries. But whatever may be the nature of the offices, the power of selecting the office-bearers is always vested in the Lodges. There is no law now in existence, nor ever was, which gives the Grand Lodge the power of selecting the officers of one of its subordinates

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* There is no limit, except convenience, to the number of members of which a Lodge may consist. DALCHO says that, "more than fifty, when they can attend regularly, as the rules of the craft require, are generally found inconvenient for working to advantage."—*Ahiman Rezon*, 1822, p. 40 I do not understand his objection, as no matter what may be the number of members present, only a certain portion of them can take a part in the labors of the Lodge. Dalcho's estimate, however, exceeds the usual limit in his country; for, taking the Masonic population of ten States at random, namely, Alabama, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois and Indiana, I find that the average population of each Lodge in seven of them falls below fifty members, the average of the whole ten being only forty-five members to a Lodge.

But the mode and time, and many other circumstances incidental to the election, are regulated by the Grand Lodge; and this apparent interference with the rights of the Lodges has been wisely conceded, that strict uniformity in Lodge organization may exist in each jurisdiction, so far as its own limits extend. These regulations respecting the officers of subordinate Lodges will be the special subject of consideration in the following chapter.

VII. *A Lodge has the right to install its officers after being elected.* This is a right incidental to the grant of perpetual succession, which is contained in the warrant; for, as by ancient Masonic law and universal usage, no officer can legally discharge the functions of the office to which he has been elected, until he has been regularly inducted into it by the ceremony of installation, it follows that when a grant of perpetual succession of officers is made, the grant carries with it the power of investing all succeeding officers with the powers and functions of their predecessors, which investiture is accomplished in Masonry by the ceremony of installation. But this power of installation, like all the other powers of subordinate Lodges, is controlled and directed by certain Grand Lodge regulations, which it is not in the power of the Lodge to set aside.

The installation, for instance, must take place at the communication, immediately before or on the festival of St. John the Evangelist. This is considered as the commencement of the Masonic year, and on that day the old officers vacate their seats, which are assumed by the new ones. But if by any circumstance the installation has been omitted until after this festival, the law having been violated, and there being no other law which provides for an installation after that day, the installation can then only take place by the authority and under the dispensation of the Grand Master.

We have seen, in the preceding chapter, that at the constitution of a new Lodge, the installation can only be conducted by the Grand Master, or some Past Master, acting for and representing him. This is because on that occasion the installation makes a part of the ceremony of constitution, which, by the Old Regulations, can only be performed by the Grand Master. But all subsequent installations may be conducted by any Past Master of the Lodge, or other Past Master representing him; because the warrant grants the Master of the Lodge and his successors the perpetual power of installing their successors. It is only when the exercise of this right has been temporarily forfeited by an omission to install at the regular time, that it becomes necessary to go outside of the warrant, and apply to the Grand Master for his dispensing power to legalize the installation at an irregular period.

It has been supposed by many that when an officer who has once been installed, is re-elected to the same office, a repetition of the installation is not necessary; but this neglect of forms, in an institution which depends so much on them, is, I think, of dangerous tendency, and it is therefore better that the installation should always be repeated. In fact the omission of it changes, if not practically, at least theoretically, the tenure by which the re-elected officer holds his office for the second year. At his first election he was of course installed ; now by the law of Masonry, an old officer holds on until his successor is installed. But in this case he is his own successor, and if, on his second election, he does again pass through the ceremony of installation, it is evident that he holds the office to which he has been elected, not by the tenure of that election, but by the tenure by which an old officer retains his office until his successor is installed. He is not, therefore, the regularly installed officer for the year, but the former one, retaining the office in trust for his successor. The theory of his official position is entirely changed ; and as the obligation for the faithful discharge of the duties of the office for the year on which he has entered has never been administered to him, it is a question how far a man, not strictly conscientious, might feel himself controlled by the promises he had made for the preceding year, and which he might, with sophistry, I admit, suppose to have been fulfilled at the close of his term of office. And although this practical result might never occur, still, as I have already said, it is dangerous, in a ceremonial institution like ours, to neglect the observance of any prescribed form.*

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* Lord Coke has wisely said that, "prudent antiquity did, for more solemnity and better memory and observation of that which is to be done, express substances under ceremonies."

VIII. *A Lodge has the right to exclude a member, on cause shown, temporarily or permanently, from the Lodge.* This right, which may be exercised either by suspension or expulsion, or by simply striking from the roll, is of so important a nature, and is controlled by so many qualifying regulations of the Grand Lodge and the Ancient Constitutions, which direct or restrict the excluding power, that I shall postpone the discussion of the subject until, in a subsequent part of this work, I come to the consideration of Masonic punishments.

IX. *A Lodge has the right to make by-laws for its local government.* This right must be considered as a concession or regrant by the Grand Lodge to the subordinates of that which had been previously conveyed to it. Undoubtedly every congregation of Masons must originally have possessed an inherent right to make rules for their government; but on the organization of Grand Lodges, the supreme legislative jurisdiction of the Order was vested in these bodies. Hence the law-making power is now admitted to reside primarily in Grand Lodges; but a portion of this power—just so much as is necessary for making local regulations—has been reconveyed by the Grand Lodges to their subordinate Lodges, with the qualifying restrictions that all by-laws made by a Lodge must be in accordance with the Landmarks of the Order and the Regulations of the Grand Lodge, and must also be submitted for approval to the Grand Lodge. This right, then, of making by-laws is not an inherent and in dependent right, but one which is derived from the concession of the Grand Lodge, and may at any time be still further abridged or altogether revoked.

It has been suggested in some jurisdictions that the Grand Lodge should prepare a uniform code of by-laws for the government of its subordinates, thus depriving them of the power of enacting their own local regulations. I cannot, in view of the theory just advanced, deny the right of a Grand Lodge to assume such a power, which seems to be clearly within its prerogative. And indeed, while some liberty should be allowed a Lodge to make laws for its government in certain particulars, which can in no way affect the general condition of the Order, such, for instance, as relate to the contributions of members, the time of meeting, &c., I am clearly convinced that it would be most expedient for every Grand Lodge, like that of New York,* to leave as little as possible in the way of law-making to its subordinates, but to incorporate in its own constitution the most important articles for the government of Lodges.

From the fact that the by-laws of a Lodge must be submitted to the Grand Lodge for its approval and confirmation, arises the doctrine that a subordinate Lodge cannot, even by unanimous consent, suspend a by-law. As there is no error more commonly committed than this by unthinking Masons, who suppose that in a Lodge, as in any other society, a by-law may be suspended by unanimous consent, it will not be amiss to consider the question with some degree of care and attention.

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* "Standard form of by-laws, intended to serve as a guide in the formation of by-laws for Subordinate Lodges, and subject to such alterations, not inconsistent with the Constitution, as the convenience of the Lodges may dictate" —*Proceed. G. L. of N. Y.*, 1858, p. 172.

An ordinary society makes its own rules and regulations, independent of any other body, subject to no revision, and requiring no approbation outside of itself. Its own members are the sole and supreme judges of what it may or may not enact for its own government. Consequently, as the members themselves have enacted the rule, the members themselves may unanimously agree to suspend, to amend, or to abolish it.

But a Masonic Lodge presents a different organization. It is not self-created or independent. It derives its power, and indeed its very existence, from a higher body, called a Grand Lodge which constitutes the supreme tribunal to adjudicate for it. A Masonic Lodge has no power to make by-laws without the consent of the Grand Lodge, in whose jurisdiction it is situated. The by-laws of a subordinate Lodge may be said only to be proposed by the Lodge, as they are not operative until they have been submitted to the Grand Lodge, and approved by that body. Nor can any subsequent alteration of any of them take place unless it passes through the same ordeal of revision and approbation by the Grand Lodge.

Hence it is evident that the control of the by-laws, rules and regulations of the Lodge, is taken entirely out of its hands. A certain law has been agreed on, we will say, by the members. It is submitted to the Grand Lodge and approved. From that moment it becomes a law for the government of that Lodge, and cannot be repealed without the consent of the Grand Lodge. So far, these statements will be admitted to be correct. But if a Lodge cannot alter, annul or repeal such law, without the consent of the Grand Lodge, it must necessarily follow that it cannot suspend it, which is, for all practical purposes, a repeal for a temporary period.

I will suppose, by way of example, that it is proposed to suspend the by-law which requires that at the annual election all the officers shall be elected by *ballot*, so as to enable the Lodge, on a particular occasion, to vote *viva voce.* Now, this law must, of course, have been originally submitted to the Grand Lodge, and approved by that body. Such approbation made it the enactment of the Grand Lodge. It had thus declared that in that particular Lodge all elections for officers should be determined by ballot. The regulation became imperative on the Lodge. If it determined, even by unanimous consent, to suspend the rule, and on a certain occasion to proceed to the election of a particular officer by acclamation or *viva voce*, then the Lodge was abrogating for the time a law that the Grand Lodge had declared was binding on it, and establishing in its place a new one, which had not re ceived the approbation of the supreme tribunal. Such a rule would therefore, for want of this confirmation, be inoperative. It would, in fact, be no rule at all, or worse, it would be a rule enacted in opposition to the will of the Grand Lodge. This principle applies, of course, to every other by-law, whether trivial or important, local or general in its character. The Lodge can touch no regulation after the decree of the Grand Lodge for its confirmation has been passed. The regulation has gone out of the control of the Lodge, and its only duty then is implicit obedience. Hence it follows that it is not competent for a subordinate Lodge, even by unanimous consent, to suspend any of its by-laws.

X. *A Lodge has the right to levy a tax upon its members.* Of this tax, which is paid under the name of "dues" or "quarterage"—of the history of its origin, and of the obligation of a Mason to pay it—I have already fully treated on pages 194–195, and shall only add, that while I reiterate the views there expressed, that it is a local matter, with which Grand Lodges should not interfere; yet it must be admitted, under the theory advanced in the preceding paragraphs on the subject of by-laws, that a Grand Lodge has, if it chooses, an unquestionable right to adopt any regulation controlling the action of its subordinates, in respect to this tax. The expediency of enacting such a regulation, and the right to do so, are two very different things.

XI. *A Lodge has the right of appeal to the Grand Lodge from the decision of its Master.* The doctrine of appeal lies at the very foundation of the democratic character of the Masonic institution. It is secured by the Landmarks of the Order;[*] and so far as respects the right of appeal of an individual Mason, is reiterated in the Charges approved in 1722.[†] But arguing *a fortiori*, it is evident that if an individual has the right of appeal, it must also be vested in a collective body of individuals. Accordingly it is admitted to be settled law, that whenever the Master of the Lodge shall, by his conduct, impair the usefulness or destroy the harmony of the Lodge, or by any unjust decision violate the rights of the members, the Lodge may appeal from his injustice and oppression to the Grand Lodge.[‡]

XII. *A Lodge has the right to exercise penal jurisdiction over its own members, and over all unaffiliated Masons living within the limits of its jurisdiction.* This important subject of the penal jurisdiction of Lodges will be more appropriately discussed when we come to the consideration of Masonic trials, in a subsequent part of this work.

XIII. *A Lodge has the right to select a name for itself.* This is apparently a very unimportant prerogative; still, as it exists, it is necessary that it should be enumerated. The Grand Lodge selects the number, because it is by this that the Lodge is to be recognized in the registry of the jurisdiction. But the choice of a name is left to the members.

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[*] See Landmark 13, *ante* p. 28.

[†] See *ante* pp. 60 and 62.

[‡] As the records of every Grand Lodge contain instances in which this right of appeal has been exercised, it will be unnecessary to cite authorities here.

This right is, however, subject to one restriction, that it shall be approved by the Grand Lodge,* that the credit of the fraternity in every jurisdiction may be guarded from the assumption of absurd or inappropriate designations by ignorant brethren. Unless, however, there is something very palpably objectionable in the name, the Grand Lodge will hardly ever interfere with its selection. For the same reason no name can be changed after having been once adopted, unless with the consent and approbation of the Grand Lodge.†

XIV. *A Lodge has the right to designate and change its time and place of meeting.* As the regulation designating the time of meeting is always inserted in the by-laws, it is evident that no change can be made with respect to it, except with the approbation of the Grand Lodge. But there is also another restriction on this subject which is derived from the constant usage of the Order, that a Lodge shall statedly meet once a month at least. There is no specific regulation on this subject; but the general custom of the fraternity, from the beginning of the last century, has made it obligatory on the Lodges not to extend the interval of their regular communications beyond that period. Besides, the regulations in respect to the applications of candidates for initiation or membership, which require "a previous notice of one month," seem to infer that that was the length of time which intervened between two stated meetings of the Lodge. In some jurisdictions it is frequently the case that some of the Lodges meet semi-monthly; and indeed instances are on record where Lodges meet weekly. This is permissible, but in such cases the regulation in relation to the petitions of candidates must be strictly interpreted as meaning that they are required to lie over for one month, and not from one regular meeting to the other, which in such Lodges would only amount to one or two weeks.

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* The Constitution of England says the Grand Master.

† While on this subject of names, it may be remarked, as an historical fact, that the designation of Lodges by names is a comparatively modern practice. Formerly they were known by their number, and the place at which they were held. Thus we find in the Book of Constitutions, such titles as these: "No. 9, at the Kings' Arms in New Bond Street," and "No. 19, at the Vine in Long Acre," or "the Turk's Head Lodge, No. 67," and "the Kings' Arms Lodge, No. 38," where the names are simply those of the taverns at which the Lodges met. Thus, in a registry of one hundred and six Lodges, contained in the second edition of ANDERSON, there is not a single one which has any other designation than that of its number, and the tavern where the meetings were held. In America, distinctive names began to be given at a much earlier period than in England.

A Lodge has also the right to designate its place of meeting, which, being confirmed by the Grand Lodge, is inserted in the warrant, and cannot again be changed, except with the consent of the Grand Lodge. This refers, of course, to the town or village in which the Lodge is situated.* But unless there be a local regulation in the constitution of any particular Grand Lodge to that effect, I know of no principle of Masonic law, set forth in the Ancient Landmarks or Regulations, which forbids a Lodge, upon the mere vote of the majority, from removing from one house to another in the same town or city. A regulation was adopted in 1724 by the Grand Lodge of England, which required notice of such removal to be given to the Grand Secretary;* and the antiquity of this law, bordering, as it does, on the date of the Regulations of 1721, which are considered to be of general authority, as well as the ordinary principles of courtesy, would make it obligatory on any Lodge to observe it. But the Regulations adopted in 1738, on the subject of removal, which particularly define the mode in which such removal is to be affected, are of no authority at present;† and unless the Grand Lodge of any particular jurisdiction has adopted a regulation forbidding the removal of a Lodge from one house to another, without its consent, I know of no law in Masonry of universal force which would prohibit such a removal, at the mere option of the Lodge.

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* "A Lodge may not remove its place of meeting from the city, town or village named in its warrant; nor from one place to another in the same city, town or village, except by a concurrent vote of two-thirds of the members present, at a meeting to be appointed by the summons to attend such meeting, stating its object, and which summons must be served at least ten days previous to such meeting; and such removal from the city, town or village, must receive the sanction of the Grand Lodge previous thereto."—*Const. G. L. of N. Y.* § 20. A similar regulation prevails in almost every Grand Lodge Constitution in the United States.

Such are the powers and prerogatives of a Lodge; nor is it to be supposed that prerogatives so numerous and so important would be conferred on any association without the implied existence of extensive duties. It must, therefore, be remembered that as the Grand Lodge is the general conservator of the Masonic character and interests in the whole territory over which it presides, so each subordinate Lodge is equally the conservator of the same character and interests in its own local jurisdiction. If, therefore, a Lodge is wise in its selection of laws, and strict in the exercise of discipline—if it watches with assiduity over the Landmarks of the Order, and with prudent foresight prevents the slightest attempt at an innovation on them—if its members use the black ball, as the great bulwark of Masonry, with impartial justice, and give, in their own conduct, the best refutation of the slanders of our enemies—then, and then only—to use the language of our ritual—will "the honor, glory and reputation of the institution be firmly established, and the world at large convinced of its good effects." And to effect these objects is the great duty of every subordinate Lodge.

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* See Book of Constitutions, ed. 1759, p. 314.

† These regulations prescribed that the Lodge should not be removed. except with the Master's concurrence, or by a vote of two-thirds of the members, and with the approbation of the Grand Master.

CHAPTER III.

The Officers of a Lodge.

HUTCHINSON very properly says, that in our institution, some must of necessity rule and teach, and others learn to submit and obey.* Indeed, in all well-regulated associations, there exists this necessity of a government, which must consist of authority on the one part, and obedience on the other. Hence it is not to be supposed that a Lodge of Masons, which its disciples claim to be one of the most perfect of human institutions, would present an organization less calculated than that of any other society to insure the peace and harmony on which its welfare and perpetuity must depend. Accordingly a Masonic Lodge, which consists of a certain number of members, sufficient to carry out the design of the institution, and yet not so many as to create confusion, is governed by officers, to each of whom a particular duty is assigned.

The number and the names of the officers differ, not only in the different rites, but also in different jurisdictions of the same rite. Thus the Grand Lodge of England requires, in addition to the officers usually recognized in this country, another, who is called the "Inner Guard," and permits the appointment of a Chaplain and Master of Ceremonies, officers who are known in only some of the jurisdictions of America. The Grand Lodge of Scotland recognizes, among other officers, a "Depute Master" and a "Substitute Master," and there are a variety of titles to be found in the French and German Lodges which are not used in the York rite.

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* "A Charge by the R. W. Master on resigning the chair." Preston subsequently incorporated the sentiment, and even the words in his Installation service. Our modern ritual is indebted to Hutchinson for some of its best portions.

The officers most usually to be found in an American Lodge are as follows:

1. WORSHIPFUL MASTER.
2. SENIOR WARDEN.
3. JUNIOR WARDEN.
4. TREASURER.
5. SECRETARY.
6. SENIOR DEACON.
7. JUNIOR DEACON.
8. TWO STEWARDS.
9. TILER.*

Of these officers, the Worshipful Master, the two Wardens and the Tiler, are essential to any Lodge organization, and are consequently provided for by the Landmarks. The other offices are of more recent invention; but we have no knowledge of any period at which Lodges were not governed by a Master and two Wardens, and their portals secured from intrusion by the vigilance of a Tiler.* Accordingly, however much the various rites and jurisdictions may differ in respect to the names and number of the subordinate officers, they all agree in requiring the four just named.

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* There is a Chaplain also in many Lodges; and although I have not placed such an officer in this list, I shall appropriate a section to the consideration of his functions.

It is a law of Masonry that these officers should be elected annually. All offices in Masonry are held by annual tenure, which is perhaps derived from the fact that the General Assembly of the craft was anciently held annually. This election must also be held in subordinate Lodges on the festival of St. John the Evangelist, or at some meeting immediately previous to it. It will be seen hereafter that the time of the election of the officers of a Grand Lodge varies in different jurisdictions; but I do not know of any country in which the election of the officers of a subordinate Lodge is made at any other time of the year than the one just indicated. The Masonic year always and everywhere begins on the festival of St. John the Evangelist, or the 27th of December, and the officers commence the discharge of their functions on that day. The election must therefore take place at that time, or immediately before it, and if by any cause it has been neglected, it becomes necessary to obtain a dispensation from the Grand Master for holding one on a subsequent day. The authority vested in the Lodge by the warrant of constitution is to hold the election on the legal and specified day, and if it is held afterwards, as no power to order it exists in the Lodge, the authority must be supplied by the dispensing prerogative of the Grand Master.*

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* See Landmarks 10 and 11, *ante* p. 26.

It has been supposed by some that when a member has been elected to occupy an office, he canno refuse to obey the call of his brethren ; and Dr. Dalcho expressly lays down the rule that "no Freemason, chosen into any office, can refuse to serve, (unless he has before filled the same office,) without incurring the penalties established by the by-laws."† There is a great deal of looseness in this enunciation of an important regulation ; for we are of course unable to say to what particular by-laws he refers. No such regulation is to be found in any of the Ancient Constitutions, and if contained in the by-laws of a particular Lodge, it is certainly contrary to the voluntary spirit of the institution. Indeed, the whole tenor of the lessons we are taught in Masonry is, that no one should accept an office unless he feels that he is fully competent to discharge its duties ; and hence, if an ignorant and unskillful brother were chosen to fill the office of a Warden, it should rather be the duty of the Lodge, in furtherance of the principles of the institution, to discourage his acceptance of the trust, than to compe him, by the threatened infliction of a penalty, to assume a position whose duties he was convinced that he could not discharge.

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* The nature and design of dispensations will be hereafter considered when I come to speak of the prerogatives of a Grand Master.

† Ahiman Rezon, 1822, p. 156.

The installation of the officers should follow as soon as possible after the election. The installation is the commission under which the officer elected is entitled to assume his office; and by ancient usage it is held that the old officer retains the office until his successor is installed. Hence, as the term of office begins on the festival of St. John the Evangelist, it is evident that the installation, which always follows the election, should take place on the same day, or immediately before it. If it has been unavoidably postponed until after that day, a dispensation must be obtained from the Grand Officer for performing it at any subsequent period.

An office terminates in Masonry only in three ways—by the expiration of the term, by death, or by expulsion.* Suspension does not vacate an office, but simply suspends the office-bearer from the privilege of discharging the duties of the office, and restoration immediately restores him to the enjoyment of all the prerogatives of his office.

It is now held by a large majority of authorities that an officer, after having once accepted of installation, cannot resign the office to which he has been elected. And this seems to be in accordance with reason; for, by the installation, the officer promises to discharge the functions of the office for the con stitutional period, and a resignation would be a violation of his oath of office, which no Lodge should be willing to sanction. So, too, when an officer has removed from the jurisdiction, although it may be at the time with an intention never to return, it is impossible, in the uncertainty of human events, to say how far that intention will be fulfilled. and the office must remain vacant until the next regular period of election. In the mean time the duties are to be discharged by the temporary appointment, by the Master, of a substitute ; for, should the regularly elected and installed officer change his intention and return, it would at once become not only his privilege but his duty to resume the discharge of the functions of his office.

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* The Grand Lodge of New York (Const. 1854, § 39) adds resignation removal beyond the jurisdiction and suspension. I have assigned, in the text the reasons why I cannot assent to this doctrine.

In the case of any of the offices, except those of the Master or Wardens, death or expulsion, which, it will be remembered, is Masonic death, completely vacates the office, and an election may be held, provided a dispensation has been obtained from the Grand Master for that purpose. But this rule does not refer to the Master or Wardens ; for it is now held that on the death of any one of these, the inferior officer assumes the duties of the office ; and no election can be held, even by dispensation, to supply the vacancy until the regular period. But this subject will be more fully discussed when I come to the consideration of the duties of those respective officers.

SECTION I.

THE WORSHIPFUL MASTER.

In the whole series of offices recognized by the Masonic institution, there is not one more important than that of the Master of a Lodge. Upon the skill, integrity and prudence of the presiding officer depend the usefulness and welfare of the Lodge, and as Lodges are the primary assemblages of the craft, and by representation constitute the supreme tribunal or Grand Lodge, it is evident that the errors of government in the primary bodies must, if not duly corrected, be productive of evil to the whole fraternity. Hence, in the ceremony of installation, it was required, as a necessary qualification of him who was proposed to the Grand Master as the presiding officer of a Lodge, that he should be "of good morals, of great skill, true and trusty, and a lover of the whole fraternity, wheresoever dispersed over the face of the earth."* And it was on such a recommendation that it was to be presumed that he would "discharge the duties of the office with fidelity."

It is proper that such stringent qualifications should be required of one whose duties are so extensive, and whose rights and prerogatives are so supreme as those of the Master of a Lodge. But these duties and prerogatives are so numerous and so complicated that the importance of the subject requires that each one should receive a separate consideration.

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* Such is the language of the Installation service used in 1723 by the Duke of Wharton See the first edition of ANDERSON'S Book of Constitutions page 71.

1. The first and most important prerogative of the Master is to preside over his Lodge. With this prerogative are connected many correlative duties, which may be most properly discussed at the same time.

As a presiding officer, the Master is possessed of extraordinary powers, which belong to the presiding officer of no other association. He presides over the business, as well as the work or Masonic labors of the Lodge; and in all cases his decisions on points of order are final, for it is a settled principle of Masonic law that no appeal can be taken to the Lodge from the decision of the Master. The Grand Lodge alone can overrule his declared opinion on any point of order. But this subject has already been fully discussed in a preceding part of this work, and to that the reader is referred.*

The Master has the right to convene his Lodge at any time, and is the judge of any emergency that may require a special meeting.† Without his consent, except on the nights of the stated or regular communications, the Lodge cannot be congregated, and therefore any business transacted at a called or special communication, without his sanction or consent, would be illegal and void.

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* See *ante* p. 239.

† "The Master of a particular Lodge has the right and authority of congregating the members of his Lodge into a chapter at pleasure, upon any emergency or occurrence, as well as to appoint the time and place of their usual forming."—*Regulations* of 1721, Reg. ii., ANDERSON, p. 59.

Even at the regular communications of the Lodge, if the Master be present, the time of opening is left to his discretion, for no one can take from the Master his prerogative of opening the Lodge. But if he be absent when the hour of opening which is specified in the by-laws has arrived, the Senior Warden, if present, and if not, then the Junior may open the Lodge, and the business transacted will be regular and legal, even without the Master's sanction ; for it was his duty to be present, and he cannot take advantage of his own remissness of duty to interfere with the business of the Lodge.*

The selection of the time of closing is also vested in the Master. He is the sole judge of the proper period at which the labors of the Lodge should be terminated, and may suspend business, even in the middle of a debate, if he supposes that it is expedient to close the Lodge. Hence, no motion for adjournment, or to close, or to call off from labor to refreshment, can ever be admitted in a Masonic

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* On this subject, Bro. J. F. TOWNSEND, Deputy Grand Master of Ireland, makes the following remarks : " It is unfair to call men from their occupations and pursuits without good reason ; and the goodness of the reason must be left to the Master's decision. Certainly the Secretary has no right to convoke the Lodge on emergency, at his own pleasure ; but as the Master, as well as all the members, is bound by the by-laws, which also provide for the regular meetings, the Secretary need not obtain his permission to issue summonses for them. And I think that if the Master were to die or be expelled the Wardens might convoke the Lodge, since there would then be no Master, and they, as well as he, are intrusted with the government of it." *The duty of the Master in the government of a Masonic Lodge.*—See *American Quart. Rev. of Freemasonry,* vol. i p. 196.

Lodge. Such a motion would be an interference with the prerogative of the Master, and could not therefore be entertained.

This prerogative of opening and closing his Lodge is necessarily vested in the Master, because, by the nature of our institution, he is responsible to the Grand Lodge for the good conduct of the body over which he presides. He is charged, in those questions to which he is required to give his assent at his installation, to hold the Landmarks in veneration, and to conform to every edict of the Grand Lodge; and for any violation of the one or disobedience of the other by the Lodge, in his presence, he would be answerable to the supreme Masonic authority. Hence the necessity that an arbitrary power should be conferred upon him, by the exercise of which he may at any time be enabled to prevent the adoption of resolutions, or the commission of any act which would be subversive of, or contrary to, those ancient laws and usages which he has sworn to maintain and preserve.

From the principle that the Master, when present, must always preside over his Lodge, arises the rule that a Masonic Lodge can never, under any circumstances, be resolved into a committee of the whole. "Committees of the whole," says Bro. B. B. French, who is able authority on the Parliamentary law of Masonry, "are utterly out of place in a Masonic body. Lodges can only do business with the Master in the chair; for, let who will preside, he is, while occupying the chair, Master—invested with supreme command, and emphatically 'governs the Lodge.' Any committee presupposes a 'chairman, and no Freemason would feel at home were he presided over by a 'chairman.' This single fact is conclusive; and yet," adds Bro. French, "I have seen, in my day, a Masonic body pretending to be in committee of the whole. I raised my voice against it, and believe I convinced my brethren that they were wrong."*

2. It is the prerogative of the Master, with his Wardens, to represent his Lodge in the communications of the Grand Lodge. Originally the whole craft were not only permitted but required to be present at the General Assembly, which was annually held;† and every member of a Lodge was in this way a member of that body, and was able, by his personal presence, to protect his rights and those of his brethren. But soon after the beginning of the last century, it being found inconvenient to continue such large assemblages of the fraternity, the Lodges placed their rights in the protecting care of their Masters and Wardens, and the Grand Lodge has ever since been a strictly representative body, consisting of the Masters and Wardens of the several Lodges in the jurisdiction.‡

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* Application of Parliamentary law to the government of Masonic bodies. B. B. French.—*Amer. Quart. Rev. of Freemasonry*, vol. i. p. 323.

† "Every Master and Fellow shall come to the assembly, if it be within fifty miles of him."—*Ancient Charges at Makings;* see *ante* p. 52.

‡ The constitution of the Masonic Order has always been of a strictly democratic form. At first it was the pure democracy of the ancients, in which every freeman had a voice in the government. Now it has assumed the

As the Grand Lodge is the supreme tribunal of the jurisdiction—as all its decisions on points of Masonic law are final—and as there can be no appeal from its judgments—it is evident that it is highly important that every Lodge should be represented in its deliberations. The Master and Wardens become, like the old Roman Consuls, invested with the care of seeing that their constituents receive no detriment. It is essential, therefore, that one of them at least, and the Master more particularly, should be present at every communication of the Grand Lodge ; and accordingly the observance of this duty is explicitly inculcated upon the Master at his installation into office.*

3. Another prerogative of the Master of a Lodge is that of controlling the admission of visitors. He is required by his installation charge to see that no visitors be received without passing a due examination and producing proper vouchers ;† and this duty he cannot perform unless the right of judging of the nature of that examination and of those vouchers be solely vested in himself, and the discretionary power of admission or rejection be placed in his hands. The Lodge cannot, therefore, inter-

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modern form, in which the power of legislation is delegated to responsible representatives.

* "You promise regularly to attend the committees and communications of the Grand Lodge, on receiving proper notice."—*Ritual of Installation.* PRESTON, p. 74 ; WEBB, 1812, p. 97.

† "You agree that no visitors shall be received into the Lodge, without passing under due examination, and producing proper vouchers of a regular initiation."—*Ritual.* PRESTON, p. 75 ; WEBB, p. 98

fere with this prerogative, nor can the question be put to it whether a particular visitor shall be admitted. The Master is, in all such cases, the sole judge, without appeal from his decision.*

4. Coincident with this power of admitting or excluding a visitor from another Lodge, is that of refusing or consenting to the admission of a member. The ritual of opening expressly says that none shall "pass or repass but such as are duly qualified and have the Worshipful Master's permission;" and if the prerogative of refusing admission to a brother hailing from another Lodge is vested solely in the Master, that he may be enabled, by this discretionary power, to maintain the by-laws and regulations of the Order, and preserve the harmony of the Lodge, it seems evident that he should be possessed of equal power in respect to his own members, because it may happen that the admission even of a member might sometimes create discord, and if the Master is aware that such would be the result, it must be acknowledged that he would be but exercising his duty in refusing the admission of such a member. But as this prerogative affects, in no slight degree, the rights of membership, which inure to every Mason who has signed the by-laws, it should be exercised with great caution; and where a member has been unjustly, or without sufficient cause, deprived of the right of visiting his own Lodge, there can be no question that he has the right of preferring charges against the Master in

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* See *ante* p. 208, where this subject is discussed.

the Grand Lodge, whose duty it is to punish every arbitrary or oppressive exercise of prerogative.

5. It is the prerogative of the Master to take charge of the warrant of constitution. This instrument, it has already been observed, is the evidence of the legality of the Lodge, and should always be placed upon the Master's pedestal while the Lodge is open. During the recess of the Lodge, it is constructively supposed to be in the Master's personal possession, although, for the sake of convenience and safety, it is most generally deposited in the Lodge room. The Master is, however, always responsible for it, and if demanded by the Grand Lodge, it is of him that the demand must be made, and he alone is responsible for its production. In like manner, when going out of office, he must deliver it to his successor, who is to retain charge of it under the same regulations; for the Master of the Lodge is always the proper custodian of the warrant of constitution.

6. The appointing power constitutes an important prerogative of the Master of a Lodge. In England, he appoints all the officers, except the Treasurer and Tiler; but in this country the power of appointment is restricted to that of the Senior Deacon, and in some Lodges, of the Tiler. As the Senior Deacon is the proxy of the Master in the discharge of his duties,* there seems to be a peculiar propriety in

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* "It is your province to attend on the Master and Wardens, and to act as their proxies in the active duties of the Lodge."—*Charge at the installation of the Deacons.* WEBB, p. 104.

placing the selection of that officer in his hands, and for a similar reason, it is advisable that he should also have the appointment of the Tiler.

The Master has also the prerogative of appointing all special committees, and is entitled to be present at their meetings, and when present, to act as chairman. This usage seems to be derived from the principle that wherever Masons congregate together on Masonic business, the Master is entitled to govern them and to direct their labors.*

The Master of the Lodge has also the right, during the temporary absence of any officer, to appoint a substitute for the meeting. It has been supposed by some that this power of appointment is restricted to the elective officers, and that during the absence of the Junior Deacon, the Junior *pro tempore* must be appointed by the Senior Warden ; and in like manner, during the absence of any one of the Stewards, the substitute must be appointed by the Junior Warden. And this opinion is founded on the doctrine that as the permanent Junior Deacon and Stewards are respectively appointed by the Senior and Junior Wardens, their temporary substitutes must be appointed by the same officers ; but if this argument were good, then, as the Wardens themselves are elected by the Lodge, it would follow, by a parity of reasoning, that in the absence of either of these officers, the substitute could not be appointed by the Master, but must be elected by the Lodge. In case of the death of a Junior Deacon, where a dispensation for the appointment of a new one has been granted, it is evident that that appointment would vest in the Senior Warden; but all temporary appointments are exclusively made by the Worshipful Master, for the appointing power is one of his prerogatives.

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* See ANDERSON first edition, p. 52.

7. The Master has one vote in all questions, as every other member, and, in addition, a casting vote, if there be a tie. This usage, which is very general, owes its existence, in all probability, to the fact that a similar privilege is, by the Regulations of 1721, enjoyed by the Grand Master in the Grand Lodge. I cannot, however, find a written sanction for the usage in any of the Ancient Constitutions, and am not prepared to say that the Master possesses it by inherent right. The local regulations of some jurisdictions explicitly recognize the prerogative, while others are silent on the subject. I know of none that denies it in express words. I am disposed to believe that it has the authority of ancient usage, and confess that I am partial to it, on mere grounds of expediency, while the analogy of the Grand Master's similar prerogative gives it a show of authority.

8. No one is eligible to election as the Master of a Lodge, unless he has previously served in the office of Warden. The authority for this doctrine is to be found in the Charges approved in 1722, which say that no one can be a Master "until he has acted as a Warden." It does not seem to be necessary that the Master elect should have served

in the capacity of a Warden, in the Lodge over which he is called to preside. The fact of having once filled a Warden's chair in any other Lodge will meet all the requisitions of the law ;* for it is a settled principle that when a brother affiliates in a new Lodge, he carries with him all the official rights which he had previously possessed in the Lodge to which he formerly belonged. If he was a Past Master or a Past Warden in the one, he retains in the other all the prerogatives which were acquired by such a position.

There are two exceptions to the rule requiring preparatory service in a Wardenship, in which a Mason may be elected to the office of Master, without having previously passed through that of a Warden. The first of these is in the case of a new Lodge, which has just received a warrant of constitution from the Grand Lodge, and in which the officers are, for the first time, to be installed. Here it is not considered necessary that the new Master should have previously served as a Warden. The second case is where, even in an old Lodge, neither of the Wardens, nor any one who has previously filled the office of Master or Warden, will consent to serve as presiding officer. As this is strictly a case of emergency, in which the usage must be neglected, or the Lodge cease to act for want of a

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* In the second edition of the Constitutions, published in 1738, by ANDERSON, in which he very materially altered the phraseology of these Charges from that contained in the edition of 1723, he expressly states this principle by the addition of a single but important word. His language is : "till he has acted as Warden *somewhere*."—Second edit., p. 145.

Master, it has been thought advisable to permit the Lodge, under such circumstances, to elect a Master from the floor. But as this is an infringement of the regulations, it is necessary that the Grand Master should legalize the act by issuing his dispensation to authorize the irregularity.*

9. The Master is eligible to re-election as often as the Lodge may choose to confer that honor on him. This is the invariable usage of this country, and I refer to it only because in England a different rule prevails. There the Master, after having served for two years, is ineligible to office until after the expiration of a year, except by dispensation; but no such regulation has ever existed, at least within my recollection, in America.

10. It is the prerogative of the Master of a Lodge to receive from his predecessor the Past Master's degree at the time of his installation. The subject of this degree has already been so fully discussed in the appropriate place, that nothing now remains to be considered, except the very important question whether it is essential that the Master elect should be invested with the degree of Past Master before he can exercise the functions of his office.

In the discussion of this question, it must be borne in mind that the degree of Past Master constitutes a specified part of the ceremony of installation of the elected Master of a Lodge. No Master is deemed to be regularly installed until he has received the degree. This is the ceremony which in England, and sometimes in this country, is called "passing the chair." The earliest written authorities always refer to it. Anderson alludes to it, in all probability, in his description of the Duke of Wharton's method of constituting a Lodge; Preston says distinctly that the new Master is "to be conducted into an adjacent room, where he is regularly installed;" and Oliver, commenting on this passage, adds, that "this part of the ceremony can only be orally communicated, nor can any but installed Masters be present."*

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* ANDERSON, in his edition of 1738, alludes to both these cases; for, after stating the general law, he says: "except in extraordinary cases, or when a Lodge is to be formed where none such can be had; for then three Master Masons, though never Masters or Wardens of Lodges before, may be constituted Master and Wardens of that new Lodge"—p. 145. Whatever may be said of the authority of this second edition this at least shows what was the usage in 1738.

This portion of the installing ceremony constitutes the conferring of the Past Master's degree. It is, in fact, the most important and essential part of the installation service; but the law of Masonry prescribes that no one shall exercise the prerogatives of the office to which he has been elected, until he has been regularly installed. Now, if the conferring of the Past Master's degree composes a necessary part of the ceremony of installation—and of this it seems to me that there can be no doubt—then it follows, as a natural deduction, that until the Master elect has received that degree, he has no right to preside over his Lodge. This decision, however, of course does not apply to the Master of a Lodge under dispensation, who, as the special proxy of the Grand Master, and deriving all his powers immediately from that high officer, as well as exercising them only for a specific purpose, is exonerated from the operation of the rule. Nor is it requisite that the degree should be a second time conferred on a Master who has been re-elected, and who at his previous installation had received it, although a number of years may have elapsed. When once conferred, its effects are for life.

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* PRESTON, Oliver's ed. p. 76.

Now, as it is the duty of every Mason to oppose the exercise by any person of the functions and prerogatives of an office until he has been legally installed, the question here suggests itself, how shall a Master Mason, not being himself in possession of the degree, know when it has not been conferred upon a Master elect? To this the reply is, that if the elected Master attempts to assume the chair, without having undergone any semblance of an installation, the greater part of which, it will be recollected, is performed before the members of the Lodge, it must follow that he cannot have received the Past Master's degree, which constitutes a part of the ceremony of installation. But if he has been installed, no matter how carelessly or incorrectly, it is to be presumed that the degree has been conferred and the installation completed, unless positive evidence be furnished that it has not, because in Masonry as in law, the maxim holds good that "all things shall be presumed to have been done legally and according to form until the contrary be proved."*

11. The last prerogative of a Master of a Lodge to which I shall allude is that of exemption from trial by his Lodge, on charges preferred against him. The Grand Lodge alone has any penal jurisdiction over him. There is now, I believe, no doubt of the correctness of this decision, although the reason assigned for it is not, in my opinion, the correct one. The incompetency of a Lodge to try its Master, and his right to trial by the Grand Lodge only, is generally based on the legal axiom that every man is entitled to a trial by his peers.† But how are we to apply this axiom to the case of the Master of a Lodge? Is he entitled to trial by the Grand Lodge because he is a member of that body? He derives this membership from his representative position only, and that representative position he shares with the two Wardens, who are equally members of the Grand Lodge, and who, if the principle were legitimately carried out, would be equally entitled to trial by the Grand Lodge, as

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* Omnia præsumuntur legitime facta donec probetur in contrarium. "Where acts are of an official nature," says BROOM, (*Leg. Max.* 729) "or require the concurrence of official persons, a presumption arises in favor of their due execution." This is peculiarly applicable to the point discussed in the text.

† Thus the Constitution of the Grand Lodge of New York says: "Every Mason must be tried by his peers, and hence the Master cannot be tried by his Lodge."—§ 8, s. 21. But if this be true, the Master can only be tried by a convention of Masters; for neither Past Masters nor Wardens, who assist in composing the Grand Lodge, are his peers, in an official sense—the only one in which, I suppose, the word can with any propriety be used.

their peers. We must look, therefore, somewhere else for the cause of this peculiar privilege enjoyed by Masters, and Masters alone, for Wardens are amenable to trial in their Lodges. We shall find it then in the peculiar relation existing between the Master and his Lodge—a relation which no other officer or member occupies. Under no circumstances whatever can he be deprived of his right, when present, to preside over his Lodge; and whenever the Lodge is exercising judicial functions, and is engaged in the trial of an accused member, the Master, *virtute officii*, becomes the presiding Judge. No one can deprive him of this position; he has, in fact, no right to yield it to any other, for he alone is responsible to the Grand Lodge that the Lodge shall, in the transaction of such grave business, confine itself within the limits of law and equity. Now, if he were himself on trial, his presence would be necessary. Being present, he would have to assume the chair, and thus the anomalous spectacle would be presented of a Judge presiding in his own trial. Such a spectacle would be shocking to our sense of justice, and could not for a moment be permitted.* And yet, if the Master is to be tried by his own Lodge, there is no possible way of avoiding it. On this account alone, therefore, it was necessary to find some other tribunal which should act as a court in the trial of a Master, and the Grand Lodge seems in all respects to be the most appropriate. This body has therefore been selected as the proper court for the trial of Masters, not because it is composed of the peers of these officers—for this it is not, as many of its members are only Wardens—but because it is not practicable to try them anywhere else.

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* "It is a fundamental rule in the administration of justice that a person cannot be judge in a cause wherein he is interested."—BROOM, *Legal Maxims*, p. 84. This is precisely the rule which prevents the trial of a Master by his Lodge. *Nemo debet esse judex in propria sua causa*, says the maxim of law.

But it will sometimes happen that the offences of the Master are of such a nature as to require immediate action, to protect the character of the institution and to preserve the harmony of the Lodge. The Grand Lodge may not be in session, and will not be for some months, and in the mean time the Order is to be protected from the evil effects that would arise from the continuance of a bad Master in office. The remedy provided by the usages of the institution for such an evil are of a summary nature. The Grand Master is, in an extraordinary case like this, invested with extraordinary powers, and may suspend the Master from office until the next communication of the Grand Lodge, when he will be subjected to a trial. In the mean time the Senior Warden will assume the office and discharge the functions of the Master.* In New York, the

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* Thus the Com. of For. Corres. of the Grand Lodge of Tennessee, in 1845, said: "The proper course to be pursued when a Master so far forgets the dignity of his office, and the duties he owes to himself and the brethren, is to petition the Grand Master for a suspension of the offending Master from office, until the next meeting of the Grand Lodge, when charges may be preferred, and such punishment inflicted as the heinousness of the offence shall merit. In this case the functions and duties of the Master devolve upon the

Grand Master immediately appoints in such a case a commission of seven, who must be not lower in rank than Wardens, and who try the question and make up their decision, which is final, unless an appeal is taken from it, within six months, to the Grand Lodge.* This, however, is a local regulation, and where it, or some other satisfactory mode of action is not prescribed by the Constitution of a Grand Lodge, the Grand Master may exert his prerogative of suspension under the general usage or common law of Masonry.

Invested with such important prerogatives, it is to be expected that the qualifications required of such an officer must be in a corresponding degree. The Master of a Lodge is, in fact, he who, as his Latin name *Magister* imports, should have, more than others, *magis quam cœteris*, the care and control of those over whom he has been placed, and who, with more of power, should also be distinguished by more of virtue and more of wisdom than his brethren. "Those," says Festus, "are called Masters upon whom the chief care of things devolves, and who, more than the others, should exercise diligence and solicitude in the matters over which they preside."

The proper qualifications of the Master of a

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next succeeding officer, the Senior Warden, until the accused shall be brought to trial, and acquitted or condemned." This is perhaps the highest prerogative that the Grand Master possesses, and I need scarcely say that it should be exercised with the utmost caution, and resorted to only with great reluctance.

* Const. G. L. of New York, § 54.

Lodge are laid down in the installation service as follows: He is required to be "of good morals, of great skill, true and trusty, and a lover of the whole fraternity." There is much significance in this language: it portrays the qualifications of a Master under the three-fold heads of moral, intellectual, and social.

He is required, in the first place, to be "of good morals." The teacher of the principles of virtue and morality, which it is the design of Freemasonry to inculcate, should himself be, if not an admirable pattern, at least not a notorious transgressor of those principles; for, as a distinguished member of the craft (Dr. Townsend, the Deputy Grand Master of Ireland,) has remarked: "The most elegant homily against those vices for which the preacher is distinguished, falls dead upon the ear; the most graceful eulogy of virtue is but disgusting in the lips of a man whose conduct gives the lie direct to his words; but he who teaches good by example, will ever be listened to with respect."*

But the Master is not only a teacher of his brethren, but he is their representative to the world, and it becomes peculiarly his duty, by his own exemplary conduct, to impress the world at large with a favorable opinion of the institution in which he holds so high a position, and of which his own exemplary or unworthy conduct will be considered by the uninitiated as a fair exponent. Mankind will very naturally presume that the members of a moral institution would hardly confer so important a trust upon an immoral or licentious brother, and they will judge of the nature and character of the Lodge by the behavior of its presiding officer.

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* Lecture on the duty of the Master.—*Am. Quart. Rev. of Freemasonry*, vol. i. p. 202. Thus, too, Aristotle says, "he who is to govern (the ἄρχων) must be perfect in (ἥθικα ἀρετῇ) moral virtue."—*Pol.* lib. i. cap. xiii.

Intellectually, he must be "of great skill." Much stress is thus laid upon the mental qualifications. He who desires to be the Master of a Masonic Lodge, must not be satisfied with a moderate share of skill. His knowledge and attainments must be great. If he proposes to be a teacher, he must thoroughly comprehend the subject which he intends to teach, and by the fluency and readiness which education gives, be capable of communicating his instructions in a pleasing and impressive manner. "A man of education and talents," says Dalcho, "will elucidate with admirable beauty, perspicuity and interest, the origin and progress of the arts in different ages, the development of genius in the organization of our Order, and the adaptation of the system to the wants and happiness of man. . . . . He will, in short, speak upon literary and scientific subjects as a Master; he will understand what he professes to teach, and consequently he will make himself understood by others. All will listen to him with delight, and all will be benefited by his instructions."* This passage was written nearly half a century ago, and since then the developments of the Masonic system in this country have required a still greater amount of intellectual qualification than has been described by Dalcho. An educated man, however well skilled in general literature and science, will make an incompetent Master of a Lodge, if he does not devote his attention to the peculiar science of our Order. If Masonry be, as it is defined, "a science of morality, clothed in allegory and illustrated by symbols," it is evident that a successful teacher (and the Master is, in an emphatic sense, a teacher) must qualify himself by a diligent investigation of these symbols and allegories—the myths and legends of Masonry—their mystical application, and the whole design of the institution in this, its most important feature, must constitute his study.

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* Ahiman Rezon, 1822, p. 55.

Socially, that is, as a member and officer of a peculiar society, exclusive in its character, he must be "true and trusty, and a lover of the whole fraternity." Each of these indicates a particular quality ; his truth and fidelity will secure his obedience to all the regulations of the Order—his observance of its Landmarks and ancient usages—his opposition to all unwarrantable innovations. They will not only induce him to declare at his installation, but to support his declaration during his whole term of office, that "it is not in the power of any man or body of men to make innovations in the body of Masonry." They are his guarantee that he will not violate the promises he has made of fidelity and obedience to the constituted authorities of the Order.

His love of the fraternity will be an evidence of his zeal and fervency in the cause—of his disposition to cultivate all the benign principles of the institution, and to extend its blessings in every unobjectionable way. Where there is love, there must be reasonable service, and affection for the brethren will show its results in devotion to the association of which these brethren form a component part.

But, besides these, there are other qualifications necessary to the Master of a Lodge, not so much as a teacher of Masonry, as in his capacity as a presiding officer. He should rule his brethren with love, rather than with force. He should exercise firmness with moderation; cultivate a spirit of conciliation; learn to subdue by mildness and urbanity the irritations which will too often arise in an angry debate; and in the decision of every question which is brought before him, seek rather to establish the correctness of his judgment by the persuasions of reason than to claim obedience by the force of authority The office of a Master is one which should not too readily be sought, for its functions are not easilv discharged.

The Succession to the Chair.—This is perhaps the most appropriate time to discuss the important question of the succession to the chair—that is, to inquire upon whom the functions and authority of the presiding officer devolve, at the death, expulsion, or absence of the Master of the Lodge.

Two principles seem now to be very generally admitted by the authorities on Masonic law, in connection with this subject.

1. That in the temporary or permanent absence of the Master, the Senior Warden, or, in his absence, the Junior, succeeds to the chair.

2. That on the permanent removal of the Master by death or expulsion, there can be no election for a successor until the constitutional night of election.

Let us inquire into the foundation of each of these principles.

1. The second of the Regulations of 1721 is in these words:

> "In case of death or sickness, or necessary absence of the Master, the Senior Warden shall act as Master *pro tempore*, if no brother is present who has been Master of that Lodge before. For the absent Master's authority reverts to the last Master present, *though he cannot act till the Senior Warden has congregated the Lodge.*"

The lines which I have placed in italics indicate that even at that time the power of calling the brethren together and "setting them to work," which is technically called "congregating the Lodge," was supposed to be vested in the Senior Warden alone during the absence of the Master, although perhaps, from a supposition that he had greater experience, the difficult duty of presiding over the communication was entrusted to a Past Master. The regulation is, however, contradictory in its provisions; for, if the "last Master present" could not act, that is, could not exercise the authority of the Master, until the Senior Warden had congregated the Lodge, then it is evident that the authority of the Master did not revert to him in an unqualified sense, for that officer required no such concert nor consent on the part of the Warden, but could congregate the Lodge himself.

This evident contradiction in the language of the regulation probably caused, in a brief period, a further examination of the ancient usage, and accordingly, on the 25th of November, 1723, a very little more than three years after, the following regulation was adopted :

> "If a Master of a particular Lodge is deposed or demits, the Senior Warden shall forthwith fill the Master's chair till the next time of choosing ; and ever since, in the Master's absence, he fills the chair, even though a former Master be present."

The present Constitution of the Grand Lodge of England appears to have been formed rather in reference to the Regulation of 1721 than to that of 1723. It prescribes that on the death, removal, or incapacity of the Master, the Senior Warden, or in his absence, the Junior Warden, or in his absence, the immediate Past Master, or in his absence, the Senior Past Master, "shall act as Master in summoning the Lodge, until the next election of officers." But the English Constitution goes on to direct that "in the Master's absence, the immediate Past Master, or if he be absent, the Senior Past Master of the Lodge present shall take the chair. And if no Past Master of the Lodge be present, then the Senior Warden, or in his absence, the Junior Warden shall rule the Lodge."*

Here again we find ourselves involved in the intricacies of a divided authority. The Senior Warden congregates the Lodge, but a Past Master rules it; and if the Warden refuses to perform his part of the duty, then the Past Master will have no Lodge to rule. So that after all, it appears that of the two, the authority of the Senior Warden is the greater.†

But in this country the usage has always conformed to the Regulation of 1723, as is apparent from a glance at our rituals and monitorial works.

Webb, in his "Freemason's Monitor," (edition of 1808,) lays down the rule that "in the absence of the Master, the Senior Warden is to govern the Lodge;" and that officer receives annually, in every Lodge in the United States, on the night of his installation, a charge to that effect. It must be remembered, too, that we are not indebted to Webb himself for this charge, but that he borrowed it, word for word, from Preston, who wrote long before, and who, in his turn, extracted it from the rituals which were in force at the time of his writing.‡

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* Const. of the G. L. of England, edit. 1847, p. 79.

† The confusion which at one time existed in relation to the question of who should be the successor to the Master, seems to have arisen partly from the contradiction between the Regulations of 1721 and those of 1723, and partly from the contradiction in different clauses of the Regulation of 1723 itself.

‡ "In my absence you are to rule the Lodge."—PRESTON, p. 79. "In the absence of the Master, you are to govern this Lodge."—WEBB, p. 102

In the United States, accordingly, it has been held, that on the death or removal of the Master, his authority descends to the Senior Warden, who may, however, by courtesy, offer the chair to some Past Master who is present, after the Lodge has been congregated.

2. In respect to the second principle, there is no difference of opinion among the authorities. Whether the Senior Warden or a Past Master is to succeed, the Regulation of 1721 makes no provision for an election, but implies that the vacancy shall be temporarily supplied during the official term, while that of 1723 expressly states that such temporary succession shall continue " till the next time of choosing," or, in the words of the present English Constitution, " until the next election of officers."

But, in addition to the authority of the Ancient Regulation and general and uniform usage, reason and justice seem to require that the vacancy shall not be supplied permanently until the regular time of election. By holding the election at an earlier period, the Senior Warden is deprived of his right as a member, to become a candidate for the vacant office ; for the Senior Warden having been regularly installed, has of course been duly obligated to serve in the office to which he had been elected during the full term. If, then, an election takes place before the expiration of that term, he must be excluded from the list of candidates, because if elected, he could not vacate his present office without a violation of his obligation The same disability would affect the Junior Warden, who, by a similar obligation, is bound to the faithful discharge of his duties in the south. So that by anticipating the election, the two most prominent officers of the Lodge, and the two most likely to succeed the Master in due course of rotation, would be excluded from the chance of promotion. A grievous wrong would thus be done to these officers, which it could never have been the intention of the law to inflict.

But even if the Wardens were not ambitious of office, or were not likely, under any circumstances, to be elected to the vacant office, another objection arises to the anticipation of an election for Master, which is worthy of consideration.

The Wardens, having been installed under the solemnity of an obligation to discharge the duties of their respective offices to the best of their ability, and the Senior Warden having been expressly charged that "in the absence of the Master he is to rule the Lodge," a conscientious Senior Warden might very naturally feel that he was neglecting these duties and violating this obligation, by permitting the office which he has sworn to temporarily occupy in the absence of his Master, to be permanently filled by any other person.

On the whole, then, the Old Regulations, as well as ancient, uninterrupted and uniform usage, and the principles of reason and justice, seem imperatively to require that on the death or removal of the Master, there shall be no election to supply the vacancy; but that the authority of the absent Mas ter shall be vested in the Senior Warden, and in his absence, in the Junior.

In conclusion, it need scarcely be added that as this right to succeed the Master is a personal right, vested in the Wardens, no dispensation can issue to set it aside and to order an election; for it is an undoubted principle of justice that the Grand Master has no prerogative to interfere, by his dispensing power, with the rights of individuals.

SECTION II.

THE WARDENS.

Every Lodge has two officers, who are distinguished as the Senior and Junior Wardens. The word is derived from the Saxon *weardian*, "to guard or watch," and signifies therefore a guardian or watchman. The French and German titles for the same officers, which are *surveillant* in the former language, and *aufseher* in the latter, are equally significant, as they denote an *overseer*. The title is derived from the fact that in the old rituals these officers were supposed to sit at the two columns of the porch, and *oversee* or *watch* the Fellow Crafts and Apprentices—the Senior Warden overlooking the former, and the Junior Warden the latter. This ritual is still observed in the Lodges of the French rite,* where the two Wardens sit in the west, at what is supposed to be the pedestals of the two columns of the porch of the temple ; and in the York rite, although the allusion is somewhat impaired by the removal of the Junior Warden to the south, they still retain on their pedestals miniature columns, the representatives of the temple pillars, and which in all processions they carry as the insignia of their office.*

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* Thus CLAVEL: "A l'occident, des deux côtés la porte d'entrée, s'élèvent deux colonnes de bronze. Sur la colonne de gauche est tracée ——;

The duties of the Senior Warden are very briefly described in the Installation service. They are, in the absence of the Master, to preside, and govern the Lodge; in his presence, to assist him in the government of it.†

In assisting the Master in the government of the Lodge, it is the duty of both officers to see that due silence is observed around their respective stations, and that the orders issued from the east are strictly obeyed. But most of their duties in their peculiar positions are of a ritualistic nature, and are either unnecessary or improper to be discussed in the present work.

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sur l'autre, on lit ——. Près de la première, se place le premier surveillant, et près, de la deuxième, le second surveillant."—*Hist. Pittoresq. de la Francmaç*, p. 4.

* These columns appear at one time to have been called "truncheons," and OLIVER (*Book of the Lodge*, p. 116) quotes an inventory of the furniture belonging to a Lodge at Chester, (Eng.) taken in the year 1761, which mentions among other things "two truncheons for the Wardens."

† LENNING gives a more explicit recapitulation of the duties of these officers. He says : "Their duties are to keep order and silence in the meeting, to repeat the commands of the Master, each from his station, and to see them obeyed."—*Encyclopadie der Freimaurerei, in voce* Aufseher. These are precisely their duties, as laid down in the American ritual.

In the absence of the Master, the Senior Warden governs the Lodge. This is his inherent right, and has already been fully considered in the preceding section. He may, and often does, as a matter of courtesy, resign the chair to some Past Master present, but such Past Master always acts under the authority of the Warden, who has first to congregate the Lodge, that is, to call the brethren to labor, before he resigns the gavel of his authority into the hands of the Past Master.

Within a few years, the very singular objection has been urged by some Masons that a Warden cannot preside and confer degrees unless he has received the Past Master's degree.* Now, I know of no modern theory on Masonic law which has so little foundation in fact as this. The degree of Past Master is a necessary qualification of the Master of a Lodge, and without it, it is admitted that he cannot legally preside, not, however, because of any peculiar virtue or superior knowledge that the possession of the Past Master's degree confers, but because by the Landmarks, or certainly by very ancient regulations, the conferring of that degree constitutes an essential part of the ceremony of installing the Master of a Lodge. He is not legally installed until he has received the degree; and not being installed, he cannot exercise the functions of his office. But there is no regulation making the reception of the Past Master's degree a necessary part of the installation of a Warden, and when, therefore, a Warden has been duly installed, he is entitled to preside and confer degrees in the absence of the Master.

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* In 1857, the Grand Master of Kentucky, Bro. T. N. WISE, made the following decision, which was sustained by the Grand Lodge: The Master and Senior Warden of a Lodge being absent, the Junior Warden took the chair, and conferred the second degree, notwithstanding several Past Masters were present. The Master of the Lodge, at the next meeting, pronounced the action of the Junior Warden unmasonic. The Grand Master, however, approved his course, as being the constitutional ruler of the Lodge, in the absence of his two superiors; and the Grand Lodge, of course, in so plain a case, sustained him. There was other matter involved in this case, but the real principle affected was the right of the Junior Warden to preside.

All the duties that devolve upon the Senior Warden, in the absence of the Master, devolve in like manner, and precisely to the same extent, upon the Junior Warden, in the absence of both the Master and the Senior. All that has been said of one officer, under such circumstances, is equally applicable to the other.

But if the Master be present, and the Senior Warden absent, the Junior Warden does not assume the functions of the latter officer, but retains his own station, and a Senior Warden *pro tempore* must be appointed by the Master. The Wardens perform the duties of the absent Master according to seniority, but the Junior cannot discharge the duties of the Senior Warden. It must be remembered that a Warden acting as Master is still a Warden, and is so acting simply in the discharge of one of the duties of his office. The Senior Warden is bound to the performance of his duties, which are, in the presence of the Master, to superintend the west, and in his absence to preside. The Junior Warden, in like manner, is bound to the performance of his duties, which are, in the presence of the Master, to superintend the south, and in the absence of both Master and Senior Warden, to preside. The absence of the Senior Warden has, therefore, no effect upon the duties of the Junior Warden, unless the Master is also absent, when he takes the east. He is to supply the place, not of the absent Senior Warden, but of the absent Master.*

Among the duties which formerly devolved upon the Junior Warden, was that of the examination of visitors.† This duty has now, much more appropriately, been intrusted to the Stewards.

It is one of the ritualistic Landmarks that the Senior Warden presides over the craft during the hours of labor, and the Junior Warden during the hours of refreshment; and in reference to this fact, it is the usage for the column of the Senior Warden to be standing, and that of the Junior to be lying down, while the Lodge is at work, and these positions to be reversed when the Lodge is called off.*

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* It is a little singular that neither Preston nor Webb allude, in the Installation service, to this duty of the Junior to preside, in the absence of his two superior officers. The second Regulation of 1721 only intimates it in the last clause. DALCHO (*Ahiman Rezon*, p. 59) and TANNEHILL (*Manual*, p. 237) are the only monitorial authorities who state the law explicitly, but it is sanctioned by universal and uninterrupted usage.

† "In a copy of the lectures which were used about the close of the eighteenth century, the Junior Warden's office, amongst other important matters, is said to include the examination of visitors."—OLIVER, *Book of the Lodge*, p. 113. That and the introduction of candidates are specially intrusted to the Junior Warden in the installation services of both Preston and Webb, but have long since been disused in this country. Cross, the first edition of whose "Chart" was published in 1819, and all the authors and compilers who have since followed him, Davis, Stewart, Tannehill, Macoy &c., omit these duties from the charge given to the Junior Warden.

In consequence of the Junior Warden being placed over the craft during the hours of refreshment, and of his being charged at the time of his installation to see "that none of the craft be suffered to convert the purposes of refreshment into those of intemperance and excess,"† it has been very generally supposed that it is his duty, as the prosecuting officer of the Lodge, to prefer charges against any member who, by his conduct, has made himself amenable to the penal jurisdiction of the Lodge. I know of no ancient regulation which imposes this unpleasant duty upon the Junior Warden; but it does seem to be a very natural deduction from his peculiar prerogative as the *custos morum* or guardian of the conduct of the craft, that in all cases of violation of the law he should, after due efforts towards producing a reform, be the proper officer to bring the conduct of the offending brother to the notice of the Lodge.

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* PRESTON (p. 80) says: "When the work of Masonry in the Lodge is carrying on, the column of the Senior Deacon is raised; when the Lodge is at refreshment, the column of the Junior Deacon is raised." It will be seen by this that the columns, which, in the custom of this country, are, by a beautiful symbolism, placed in the hands of the Wardens, to indicate the hours of labor and refreshment, are, in the Prestonian work, without any meaning whatever, given to the Deacons. Webb thoughtlessly followed the system of Preston in this respect; but it is doubtful whether he or any of his disciples ever worked by it. At least I can find no evidence, except the passage in Webb's charge to the Deacons, that columns were ever borne by those officers.

† Installation charge to the Junior Warden.

One of the most important prerogatives of the Wardens is that of representing the Lodge with the Master at all communications of the Grand Lodge. This is a prerogative the exercise of which they should never omit, except under urgent circumstances. A few Grand Lodges in the United States have disfranchised the Wardens of this right, and confined the representation to the Master, but I cannot hesitate to say that this is not only a violation of ancient regulations, but an infraction of the inherent rights of the Wardens and the Lodges. After the comparatively modern organization of Grand Lodges, in 1717, the craft as a body surrendered the prerogatives which belonged to every Mason of being present at the General Assembly, in the assurance that their rights and privileges would be sufficiently secured by the presence of their Masters and Wardens.* Hence, in the Regulations of 1721, which must be considered, according to the history given of them by Preston, in the light of a bill of rights, or fundamental constitution,† the Grand Lodge is expressly defined as consisting of

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* "Matters being thus amicably adjusted," says Preston, when speaking of the organization of the Grand Lodge in 1717, "the brethren of the four old Lodges considered their attendance on the future communications of the Society as unnecessary, and therefore, like the other Lodges, trusted implicitly to their Master and Wardens, resting satisfied that no measure of importance would be adopted without their approbation."—*Illustrations*, p. 138, Ol. edit.

† Preston says that the officers of the old Lodges, fearing that the majority might "encroach upon, or even subvert the privileges of the original Masons of England, very wisely formed a code of laws for the future government of the Society."—*Ibid.* p. 184. This code is what is known as the Regulations of 1721.

"the Masters and Wardens of all the regular particular Lodges upon record." The disfranchisement of the Wardens is, in fact, a disfranchisement of the Lodges and the establishment of a new form of Grand Lodge, unknown to the Ancient Constitutions.

Another prerogative of the Wardens is their eligibility to election as Master. It has already been seen that no Mason can be chosen Master unless he has previously served in the office of Warden, except in the case of new Lodges, or of emergencies, where no Warden, Past Warden, or Past Master will consent to serve. This eligibility to the chair is not confined to the Wardens then in office, for any brother who has ever filled that station retains for ever his eligibility. It is a right that is affected by no lapse of time.

The prerogative of appointment which is vested in these officers is limited. The Senior Warden has the right of appointing the Junior Deacon, and the Junior Warden that of appointing the two Stewards.

If the Master and both Wardens be absent, the Lodge cannot be opened, because the warrant of constitution is granted to the Master and Wardens, and their successors, and to none else. In 1857, during the absence of the Master and Wardens of a Lodge in Kentucky, a Past Master of the Lodge assumed the chair, appointed proxies for the Wardens, and proceeded to transact business. Upon an appeal from the Master of the Lodge, the Grand Mas ter declared the acts of the Lodge to be illegal and of no effect. There can be no doubt that this decision was correct, according to the Regulations of 1721; for, although a Past Master may preside, by the courtesy of a Warden, he holds his authority, according to these Regulations, under the Warden, and cannot act until that officer has congregated the Lodge. At the opening of the Lodge at least, therefore, the Master or a Warden must be present, and if Master and Wardens are all absent, the Lodge cannot be opened.

If, however, the Lodge is congregated by the Warden, and he places a Past Master in the chair, and then retires, I am inclined to think that the labors or business of the Lodge may be legally continued, notwithstanding the absence of the Warden, for he has complied with the requisitions of the law, and congregated the Lodge. It is a right belonging to the Warden to invite a Past Master to preside for him, and if, after exercising that right, he then retires, the Past Master will continue to act as his representative. But the Warden will be responsible for the acts of the Past Master; for, if anything is done irregularly, it may be well said that the Warden should have been there to correct the irregularity when it occurred. I confess, however, that this is a *res non judicata*—a question that has not been even discussed, so far as I am aware, by any Masonic authority.

SECTION III.

THE TREASURER.

Although this officer takes no part in the ritual or ceremonial labors of the Lodge, yet the due administration of his duties is closely connected with its welfare. He is the financial officer or banker of the Lodge; and to prevent the possibility of any collusion between himself and the presiding officer, the Constitutions of England, while they give the appointment of all the other officers to the Master, have prudently provided that the Treasurer shall be elected by the Lodge.

The duties of the Treasurer, as detailed in the Installation service, and sanctioned by universal usage, are threefold:

1. He is to receive all moneys due the Lodge from the Secretary.
2. He is to make due entries of the same.
3. He is to pay them out at the order of the Master, and with the consent of the Lodge.

As the banker simply of the Lodge, he has nothing to do with the collections which should be made by the Secretary, and handed over to him. These funds he retains in his hands, and disburses them by the order of the Lodge, which must be certified to him by the Master. His accounts, so far as the receipts of money are concerned, are only with the Secretary. Of his disbursements, of course, he keeps a special account. His accounts should be neatly and accurately kept, and be always ready for the inspection of the Lodge or of the Master.

As his office, as custodian of the funds of the Lodge, is a responsible one, it has been usual to require of him a bond for the faithful discharge of his duties ; so that, in case of failure or defalcation, the Lodge may not become the loser of its property.

For all the funds he receives from the Secretary he should give a receipt to that officer, and should take receipts from all persons to whom he pays money. These last receipts become his vouchers, and his books should be examined, and the entries compared with the vouchers, at least once a year, by a committee of the Lodge.

The Treasurer, like every other officer in a Masonic Lodge, cannot resign, nor can his office be vacated by a removal, or any other cause, except death or expulsion. But whenever either of these events occurs, and the office becomes vacant, it is competent for the Lodge, of course, under the authority of a dispensation from the Grand Master, to hold a new election. The objections to such a course, in the case of the Master or Wardens, do not apply to the Treasurer.

SECTION IV.

THE SECRETARY.

The Secretary, like the Treasurer, is only a business officer of the Lodge, having nothing to do in the ritualistic labors. The charge which he re ceives at his installation into office, as it is given by Preston, Webb, and Cross,* notwithstanding they all differ, does not contain a full summary of his duties, which are very extensive. I am inclined to think that the usage of the craft is at fault in making the Treasurer the senior officer, for I think it will be found that the duties and labors of the Secretary are not only more onerous, but far more important to the interests of the institution.

The Secretary acts, in his relation to the Lodge, in a threefold capacity. He is its recording, corresponding, and collecting agent.

As the recording agent of the Lodge, it is his duty to keep a minute of all the proceedings, except such as are of an esoteric character, and which the peculiar constitution of our society forbids him to commit to paper. After these minutes have been approved and confirmed, it is his duty to transfer them to a permanent record book. It is also his duty, whenever called upon, to furnish the Grand Master or the Grand Lodge with a fair transcript of any portion of his records that may be required. As the recording agent, he is also expected to furnish, at every communication of the Lodge, a statement of the unfinished business which is to be called up for action.

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* "It is your duty to record the minutes and issue out the summonses for the regular meetings."—PRESTON, p. 79.

"It is your duty to observe the Worshipful Master's will and pleasure, to record the proceedings of the Lodge, to receive all moneys, and pay them into the hands of the Treasurer."—WEBB, p. 104.

"It is your duty to observe all the proceedings of the Lodge; make a fair record of all things proper to be written; to receive all moneys due the Lodge, and pay them over to the Treasurer, and take his receipt for the same."—CROSS, p. 76.

It will be observed that the words of Cross agree more closely than the others with the ritual in general use at the present time in this country.

As the corresponding agent of the Lodge, he receives and reads all communications which have been addressed to the Lodge, and replies to them, under the directions of the Lodge or the Master, whenever any action has been taken upon them. He also issues all summonses for special or stated communications. This duty, particularly in reference to the stated communications, is sometimes improperly neglected. Every Mason is entitled to a summons, either verbal or written, to every meeting of his Lodge. The Secretary is also the proper officer to make out the returns to the Grand Lodge, and to communicate to it, through the Grand Secretary, notices of rejections, suspensions and expulsions. He is, in fact, the organ of communication between his Lodge and the Grand Lodge, as well as all other Masonic bodies. He affixes his signature and the seal of the Lodge to all demits, diplomas, and other documents which the Lodge may direct. For this purpose he is the keeper of the seal of the Lodge, and is also the proper custodian of its archives.*

As the collecting agent of the Lodge, he keeps the accounts between itself and its members, receives all dues for quarterage, and all fees for initiation, passing and raising; and after making an entry of the sums and the occasions on which they were paid, he transfers the money forthwith to the Treasurer, and takes his receipt. In this way each of these officers is a check upon the other, and a comparison of their books will enable the Lodge at any time to detect the errors of either.

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* He combines the duties of Secretary with those of Archivist and Keeper of the Seals, to be found in the French and many German Lodges.

The books and accounts of the Secretary, like those of the Treasurer, should be examined at least once a year by a committee appointed by the Lodge, and they should be at all times ready for the inspection of the Master.

It is customary in many Lodges, on account of the numerous and often severe duties of the Secretary, to exempt him from the payment of annual dues, and sometimes even to give him a stated salary. I see no objection to this, for he does not thereby cease to be a contributor to the support of the institution. His contribution, though not in the form of money, is in that of valuable services.*

The office of Secretary, like that of Treasurer, can only be vacated by death or expulsion, when a new election may be ordered under the Grand Master's dispensation. It must be remembered that nothing can be done in Masonry out of the regular time appointed by law, unless the proper authority *dispenses*, for that particular occasion, with the operation of the law.

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* It is very properly maintained as a principle that no Mason should receive pecuniary compensation for his services in the work of Masonry. But the Secretary is the only officer in the Lodge, except the Tiler, whose labors in Masonry do not cease when the Lodge is closed. Nearly all of his work is unconnected with the ritual, and much of it is done during the recess of the Lodge.

SECTION V.

THE DEACONS.

In every Masonic Lodge there are two officers who are called Deacons ; the one who sits in the east, on the right of the Master, is called the Senior Deacon, and the other, who sits in the west, on the right of the Senior Warden, is called the Junior Deacon. They are not elected to their respective offices, but are appointed—the Senior by the Master, and the Junior by the Senior Warden.

The title is one of great antiquity, and is derived from the Greek language,* where it signifies an *attendant* or *servant*, and was used in this sense in the primitive church, where the Deacons waited upon the men, and stood at the men's door, and the Deaconesses at the women's door, to see that none came in or went out during the time of the oblation.

In the Lodges of France and Germany, except in those which work in the Scotch and York rites, the office of the Deacons is not known ; but their functions are discharged by other officers. In France they have an "expert" and a "Master of Ceremonies," and in Germany a "Master of Ceremonies" and a "preparer."†

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* Διακονος, *an attendant* or *waiter*, from the verb διακονεω, to *attend* or *serve*. In the Latin the word is *diaconus*.

† The German Lodges in this country make use of Deacons, and give them the title of "vorsteher," which signifies a *director*. See *Des Freimaurer's Handbuch von* J. D. FINKELMEIER, which is an excellent translation of

While the two Deacons have one duty in common, that, namely, of waiting upon the Master and Wardens, and serving as their proxies in the active duties of the Lodge,* the Senior Deacon being the especial minister of the Master, and the Junior of the Senior Warden, they have peculiar and separate duties distinctly appropriated to each.

The Senior Deacon.—The Senior Deacon, as I have already remarked, is the especial attendant of the Master. Seated at his right hand, he is ready at all times to carry messages and to convey orders from him to the Senior Warden, and elsewhere about the Lodge.

He is also the proper officer to propose to every candidate, in an adjoining apartment, and in the presence of the Stewards, those questions which are to elicit his declaration of the purity of the motives which have induced him to apply for initiation.† For this purpose he leaves the Lodge room, previous to the preparation of the candidate, and having proposed the questions and received the appropriate replies, he returns and reports the fact to the Master.

He also takes an important part in the subsequent

MACOY's Manual, for the use of German Lodges. But the word "vorsteher" is not to be found in LENNING's German Encyclopedia of Freemasonry.

* "It is your province to attend on the Master and Wardens, and to act as their proxies in the active duties of the Lodge."—WEBB, *Installation Service*, p. 104.

† WEBB says that the declaration must "be assented to by a candidate in an adjoining apartment previous to initiation," and he adds, "the Stewards of the Lodge are usually present."—*Monitor*, p. 30.

ceremonies of initiation. He receives the candidate at the door,* and conducts him throughout all the requisitions of the ritual. He is, from the reason of his intimate connection with the candidate, the proper guardian of the inner door of the Lodge.

It is his duty also to welcome all visiting brethren, to furnish them with seats, and if they are entitled to the honors of the Lodge, to supply them with the collars and jewels of their rank, and conduct them to their appropriate stations in the east.†

After the Lodge is opened, the altar and its surrounding lights are placed under the especial care of the Senior Deacon.

He also takes charge of the ballot box in all ballots, places it on the altar in the customary form, and after all the members have voted, exhibits it for inspection to the Junior and Senior Wardens and Master, in rotation.

In the inspection of members and visitors, before the Lodge is opened, for the purpose of preventing the intrusion of impostors among the brethren, the north side of the Lodge is intrusted to the care of the Senior Deacon.

The Junior Deacon.—This officer is the especial attendant of the Senior Warden; and being seated at his right hand, is prepared to carry messages from him to the Junior Warden, and elsewhere about the Lodge.

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* According to the Prestonian work, it is the duty of the *Inner Guard* (an officer not recognized in this country) "to receive candidates in due form."—See Preston, p. 80.

† Many Lodges keep a supply of Past Masters' collars and jewels for this purpose.

He takes very little part in the ceremonies of conferring the degrees, but as he is placed near the outer door, he attends to all alarms of the Tiler, reports them to the Master, and at his command, inquires into the cause. The outer door being thus under his charge, he should never permit it to be opened by the Tiler, except in the usual form, and when preceded by the usual notice. He should allow no one to enter or depart without having first obtained the consent of the presiding officer.

An important duty of the Junior Deacon is to see that the Lodge is duly tiled. Upon this the security and secrecy of the institution depends; and therefore the Junior Deacon has been delegated as an especial officer to place the Tiler at his post, and to give him the necessary instructions.

In the inspection of the brethren, which takes place at the opening of the Lodge, the south side of the room is intrusted to the care of the Junior Deacon.

In the absence of the Senior Deacon, the Junior does not succeed to his place; but a temporary appointment of a Senior Deacon is made by the Master.

If the Junior Deacon is absent, it is the usage for the Master, and not the Senior Warden, to make a temporary appointment. The right of nominating the Junior Deacon is vested in the Senior Warden only on the night of his installation. After that, on the occurrence of a temporary vacancy, this right is lost, and the Master makes the appointment by the constitutional right of appointment which vests in him.

It has been supposed by some writers that, as the Deacons are not elected, but appointed by the Master and Senior Warden, they are removable at the pleasure of these officers. This, however, is not in accordance with the principles which govern the tenure of all Masonic offices. Although they are indebted for their positions to a preliminary appointment, they are subsequently installed like the other officers, take a similar obligation, and are bound to the performance of their duties for a similar period. Neither Preston nor Webb say anything, in the installation charge, of a power of removal by those who appointed them. In fact it is the installation, and not the appointment, that makes them Deacons; and deriving, therefore, their right to office from this ceremony, they are to be governed by the same rules which affect other installed officers. In England, the Wardens are appointed by the Master, but he cannot remove them from office, the power of doing which is vested solely in the Lodge.* In this country, the only mode known to the law of removing an officer is by his expulsion, and this can only be done by the Lodge, as in England, after trial. I hold, then, that the analogy of the English law is to be extended to the appointed, as well as to the elected officers—to the Deacons who are appointed here, as well as to the Wardens who are appointed there; and that therefore a Deacon, having been once installed, derives his tenure of office from that installation, and cannot be removed by the Master or Senior Warden. The office can only be vacated by death or expulsion.*

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* "The Wardens or officers of a Lodge cannot be removed, unless for a cause which appears to the Lodge to be sufficient; but the Master, if he be dissatisfied with the conduct of any of his officers, may lay the cause of complaint before the Lodge; and if it shall appear to the majority of the brethren present that the complaint be well founded, he shall have power to displace such officer, and to nominate another."—*Constitutions of England*, ed. 1847, p. 80.

SECTION VI.

THE STEWARDS.

The Stewards are two in number, and are appointed by the Junior Warden. They sit on the right and left of that officer, each one having a white rod, as the insignia of his office, and wearing the cornucopia as a jewel.

Preston says that their duties are "to introduce visitors, and see that they are properly accommodated; to collect subscriptions and other fees, and to keep an exact account of the Lodge expenses." Webb adds to these the further duties of seeing "that the tables are properly furnished at refreshment, and that every brother is suitably provided for," and he makes them the assistants generally of the Deacons and other officers in performing their respective duties.[*]

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* The jewels of the Deacons are a square and compasses, with the sun in the centre for the Senior, and the moon for the Junior. In England the jewel is a dove in its flight. The Deacons always carry rods as the insignia of their office.

There can be no doubt, from the nature of the office in other institutions, that the duty of the Stewards was originally to arrange and direct the refreshments of the Lodge, and to provide accommodations for the brethren on such occasions. When the office was first established, refreshments constituted an important and necessary part of the proceedings of every Lodge. Although not yet abolished, the Lodge banquets are now fewer, and occur at greater intervals, and the services of the Stewards are therefore now less necessary, so far as respects their original duties as servitors at the table. Hence new duties are beginning to be imposed upon them, and they are, in many jurisdictions, considered as the proper officers to examine visitors and to prepare candidates.[†]

The examination of visitors and the preparation of candidates for reception into the different degrees, requires an amount of skill and experience which can be obtained only by careful study. It seems, therefore, highly expedient that instead of intrusting these services to committees appointed as occasion may require, they should be made the especial duty of officers designated at their installation for that purpose, and who will therefore, it is to be supposed, diligently prepare themselves for the correct discharge of the functions of their office.

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[*] LENNING says that in those German Lodges which have introduced the office of Stewards, they unite the duties of Deacons and Stewards, and are the assistants of the two Wardens, whose stations they assume in their absence. *Encyc. der Freimaur* in voce SCHAFFNER. They possess no such prerogative in England or America. The French Lodges do not recognize the office.

[†] "To the Stewards is intrusted, in the hours of labor, the preparation of candidates and the examination of visitors, for which purpose they should acquire a competent knowledge of the mysteries of our institution."—*Ahiman Rezon of So Carolina*, p. 79.

Preston says that at their installation the Master and Wardens are the representatives of the Master Masons who are absent, the Deacons of the Fellow Crafts, and the Stewards of the Entered Apprentices.

The Stewards, like the Deacons, although not elected, but appointed, cannot, after installation, be removed by the officer who appointed them.

I may remark, in conclusion, that the office is one of great antiquity, since we find it alluded to and the duties enumerated in the Old York Constitutions of 926,* where the Steward is directed "to provide good cheer against the hour of refreshment," and to render a true and correct account of the expenses.

SECTION VII.

THE TILER.

This is a very important office, and like that of the Master and Wardens, owes its existence, not to any conventional regulations, but to the very Landmarks of the Order ;[*] for, from the peculiar nature of our institution, it is evident that there never could have been a meeting of Masons for Masonic purposes, unless a Tiler had been present to guard the Lodge from intrusion.

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* See *ante* p. 46, point 9.

The title is derived from the operative art ; for, as I have elsewhere explained it, "as in operative Masonry, the Tiler, when the edifice is erected, finishes and covers it with the roof (of tiles), so in speculative Masonry, when the Lodge is duly organized. the Tiler closes the door and covers the sacred precincts from all intrusion."[†]

The first and most important duty of the Tiler is to guard the door of the Lodge, and to permit no one to pass in who is not duly qualified, and who has not the permission of the Master.[‡] Of these qualifications, in doubtful cases, he is not himself to judge ; but on the approach of any one who is unknown to him, he should apprize the Lodge by the usual formal method. As the door is peculiarly under his charge, he should never, for an instant, be absent from his post. He should neither open the door himself from without, nor permit it to be opened by the Junior Deacon from within, without the preliminary alarm.

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[*] See *ante* p. 26, Landmark 11.

[†] MACKEY'S Lexicon of Freemasonry. The French and German Masons preserve the same symbolic idea. In France the officer is called a "tuilleur," and the Lodge is said *to be covered*. In German Lodges the word *tiler* is literally translated by the title "ziegeldecker."

[‡] Neither Preston, Webb, nor any of the other monitorial writers until the time of Cross, prescribed any form of charge at the installation of the Tiler The duties, however, were well understood.

A necessary qualification of a Tiler is, that he should be a Master Mason. Although the Lodge may be opened in an inferior degree, no one who has not advanced to the third degree can legally discharge the functions of Tiler.

As the Tiler is always compensated for his services, he is considered, in some sense, as the servant of the Lodge. It is therefore his duty to prepare the Lodge for its meetings, to arrange the furniture in its proper place, and during the communication to keep a supply of aprons, so as to furnish each brother with one preparatory to his entrance. He is also the messenger of the Lodge, and it is his duty to deliver to the members the summonses which have been written by the Secretary.

The Tiler need not be a member of the Lodge which he tiles; and in fact, in large cities, one brother very often performs the duties of Tiler of several Lodges.

The office, however, in a subordinate Lodge, does not, like that of Grand Tiler, disqualify him for membership; and if the Tiler is a member, he is entitled to all the rights of membership, except that of sitting in the communications, which right he has voluntarily relinquished by his acceptance of office.

It is usual, in balloting for candidates, to call the Tiler (if he be a member) in, and request him to vote. On such occasions the Junior Deacon takes his place on the outside, while he is depositing his ballot.

The Tiler is sometimes appointed by the Master, but is more usually elected by the Lodge.* After installation, he holds his office by the same tenure as the other officers, and can only be removed by death or expulsion. Of course the Tiler, like every other officer, may, on charges preferred and trial had, be suspended from discharging the functions of his office, during which suspension a temporary Tiler shall be appointed by the Master. But as I have already said, such suspension does not vacate the office, nor authorize a new election.

SECTION VIII.

THE CHAPLAIN.

I can find neither example in the old usages, nor authority in any of the Ancient Regulations, for the appointment of such an officer in a subordinate Lodge as a Chaplain. I think it is only within a few years that some Lodges have been led, by an improper imitation of the customs of other societies, to inscribe him in the list of their officers.

The Master of a Lodge, by the ritualistic usages of the Order, possesses all the sacerdotal rights necessary to be exercised in the ceremonies of our institution. There is therefore no necessity for a Chaplain, while I have no doubt that as the ritual prescribes that certain duties shall be performed by the Master, he is violating the Landmarks when he transfers the performance of those duties to another person, who holds no office recognized by any of our regulations.

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* In England he is always elected.

This section is therefore inserted, not to prescribe the duties of the Chaplain of a Lodge—for I know not where to find the authority for them—but to enable me to express my opinion that the appointment of Chaplains in subordinate Lodges is an innovation on ancient usage, which should be discouraged.

Of course, on public occasions, such as the celebration of the festivals of the patron Saints of Masonry, when there are public prayers and addresses, there can be no objection, and indeed it is advisable to invite a clergyman, who is a Mason, to conduct the religious portion of the exercises.

CHAPTER IV.

Rules of Order.

In all well regulated societies, it is absolutely necessary that there should be certain rules, not only for the government of the presiding officer, but for that of the members over whom he presides. It is not so material what these rules are, as that they should be well known and strictly observed.* The Parliamentary law, or that system of regulations which have been adopted for the government of legislative bodies in England and America, and which constitutes the basis of the rules for conducting business in all organized societies, whether public or private, in these countries, is, in many of its details, inapplicable to a Masonic Lodge, whose Rules of Order are of a nature peculiar to itself. Still the Masonic rule is, as it has been judiciously expressed by Bro. French, "that where well settled Parliamentary principles can be properly applied to the action of Masonic bodies, they should always govern; but they should never be introduced where they in any way interfere with the established customs or Landmarks of Masonry, or with the high prerogatives of the Master."* In the discussion of this subject, it is not proposed, in the present chapter, to give anything more than a mere outline of the usage to be pursued in conducting the business of a Lodge; for many of the most important regulations to be observed will be found under appropriate heads, interspersed throughout this work.

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* HATSELL, who is excellent authority on the subject, says, "whether these forms be in all cases most rational or not, is really not of so great importance. It is much more material that there should be a rule to go by than what that rule is. —*Cited in* JEFFERSON, *Man.* p. 14

Order of Business.

1. After a Lodge has been opened according to the formalities of the Order, the first thing to be done is the reading of the minutes of the preceding communication. These are then to be corrected and confirmed by a vote of the Lodge.

2. But to this rule there is this qualification, that the minutes of a regular or stated communication cannot be altered or amended at a special one.†

3. The Lodge being opened and the minutes read, it may then proceed to business, which will generally commence with the consideration of the unfinished business left over from the last meeting. But the order of business is strictly under the direction of the Master, who may exercise his own discretion in

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* Application of Parliamentary Law to the Government of Masonic Bodies.—*Americ. Quart. Rev. of Freemas.*, vol. i. p. 325.

† "No Lodge can, at an extra meeting, alter or expunge the proceedings of a regular meeting."—*Ahim. Rez. So. Ca.* p. 84, ed. 1852

the selection of the matters which are to come before the Lodge, subject, of course, for an arbitrary or oppressive control of the business to an appeal to the Grand Lodge.

4. No alarms should be attended to at the door, nor members or visitors admitted during the time of opening or closing the Lodge, or reading the minutes, or conferring a degree.

5. All votes, except in the election of candidates, members or officers, must be taken by a show of hands,* and the Senior Deacon will count and report to the Master, who declares the result.

6. No Lodge can be resolved into a "committee of the whole," which is a parliamentary proceeding, utterly unknown to Masonry.†

7. The minutes of a meeting should be read at its close, that errors may at once be corrected and omissions supplied by the suggestion of those who were present during the transactions; but these minutes are not to be finally confirmed until the next regular communication.

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* On the 6th April, 1736, the following regulation was adopted by the Grand Lodge of England.—See ANDERSON, second edit. p. 178. "The opinions or votes of the members are always to be signified by each holding up one of his hands, which uplifted hands the Grand Wardens are to count, unless the number of hands be so unequal as to render the counting useless. Nor should any other kind of division be ever admitted among Masons." The Grand Lodge of South Carolina says the *right* hand, the Grand Lodge of New York, the *left*. I adopt the middle course, and adhere to the original regulation, which leaves it indifferent which hand is used.

† "Committees of the whole are utterly out of place in a Masonic body. Lodges can only do business with the Master in the chair."—FRENCH, *ut supra*

8. Masonic decorum requires that during the transaction of business, the brethren shall not entertain any private discourse, nor in any other wav disturb the harmony of the Lodge.*

Rules of Debate.

9. No brother can speak more than once on any subject without the permission of the chair.†

10. Every brother must address the chair standing; he must confine himself to the question under debate, and avoid personality.

11. Any brother who transgresses this rule may be called to order, in which case the presiding officer shall immediately decide the point of order, from which decision there can be no appeal to the Lodge.

12. When two or more brethren rise at once in a debate, the Master shall name the brother who is first to speak.

13. No motion can be put unless it be seconded, and if required, it must be reduced to writing.

14. Before the question is put on any motion, it should be distinctly stated by the chair.

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* "You are not to hold private committees, or separate conversation, without leave from the Master, nor to talk of anything impertinent or un seemly, nor interrupt the Master or Wardens, or any brother speaking to the Master."—*Charges of* 1721.

† "No brother is to speak but once to the same affair, unless to explain himself, or when called by the chair to speak."—*Regulation adopted April* 21, 1730. ANDERSON, second edit. p. 177.

15. When a question is under debate, no motion can be received but to lie on the table; to postpone to a certain time; to commit; to amend, or to postpone indefinitely, which several motions, by Parliamentary usage, have precedence in the order in which they are arranged; and no motion to postpone to a certain time, to commit, or to postpone indefinitely, being decided, is again allowed at the same communication.

16. When motions are made to refer a subject to different committees, the question must be taken in the order in which the motions were made.

17. When a motion has been once made and carried in the affirmative or negative, it is in order for any member who voted in the majority to move for a reconsideration thereof at the same communication.

18. When an amendment is proposed, a member who has already spoken to the main question may again speak to the amendment.

19. Amendments may be made so as totally to alter the nature of the proposition, and a new resolution may be ingrafted, by way of amendment, on the word "resolved."

20. When a blank is to be filled, and various propositions have been made, the question must be taken first on the highest sum or the latest time proposed.

21. Any member may call for a division of a question, which division will take place if a majority of the members consent.

22. A motion to lie on the table is not debateable, nor is one in the Grand Lodge to close the session on a given day.*

23. A motion for adjournment is unmasonic, and cannot be entertained.†

24. No motion for the "previous question" can be admitted.‡

Committees.

25. All committees must be appointed by the chair, unless otherwise specially provided for, and the first one named on the committee will act as chairman; but no one should be appointed on a committee who is opposed to the matter that is referred.§

26. A committee may meet when and where it pleases, if the Lodge has not specified a time and place. But a committee can only act when together, and not by separate consultation and consent.‖

27. The report of a committee may be read by the chairman, or other member in his place, or by the Secretary of the Lodge.

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* These rules of debate, from ten to twenty-two, are derived from well known principles of Parliamentary law, but are strictly applicable to the conduct of business in Masonic Lodges.

† The Master alone has the right of closing his Lodge, and a motion for adjournment would necessarily interfere with his prerogative.

‡ "The previous question being unknown to Ancient Masonry, should find no resting place in a regular Masonic Lodge."—*Com. of Corresp. G. L. of Vermont*, 1851.

§ On the principle that "the child is not to be put to a nurse that cares not for it."—GREY, *cited by* JEFFERSON, *Man.* p. 52.

‖ "Nothing is the report of the committee but what has been agreed to in committee actually assembled."—JEFFERSON, p. 53.

28. A majority of a committee constitutes a quorum for business.

29. When a report has been read, if no objections are made, it is considered as accepted ; but if objections are made, the question must be put on its acceptance.

30. If the report contains nothing which requires action, but ends with resolutions, the question must be on agreeing to the resolutions.

31. If the report embodies matters of legislation, the question must be on adopting the report, and on agreeing to the resolutions, if resolutions are appended ; but if there is no action recommended by the report, and no resolutions are appended to it, the acceptance of the report, either tacitly or by vote, disposes of it.

32. Reports may be recommitted at any time before final action has been taken on them.

Elections.

33. The election of candidates for initiation, or of Masons for affiliation, must be conducted with white and black balls, and the result will be declared by the Junior and Senior Wardens and Master, in rotation, after inspection.

34. When the report of a committee on a petition for initiation or affiliation is unfavorable, it is unnecessary to proceed to a ballot; for, as the vote must be unanimous, the unfavorable opinion already expressed of at least two members of the committee is in itself a rejection. It is not to be presumed

that the committee would report against and vote for the candidate. Of course it is to be understood in these cases that an unfavorable report by a committee is equivalent to a rejection. But some Grand Lodges have said that a ballot must be taken in all cases, and this, though not the general usage, is no violation of a landmark.

35. In an election for officers, two tellers are to be appointed to receive and count the votes, and the result must be declared by the Master.

36. Nominations of candidates for office are in order, and according to ancient usage,* but if a member is elected who had not been nominated, the election will still be valid; for a nomination, though permitted, is not absolutely essential.

37. Where the by-laws of a Lodge do not provide otherwise, the election of an officer may be taken by a show of hands, if there be no opposing candidate.†

In conclusion, to borrow the language of Bro. French, from the able article already quoted, "let me say that no general rules can be laid down that will meet all special cases; and proper consideration and good judgment will almost always lead a properly qualified Master to decide right."

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* The old records tell us that on June 24, 1717, "before dinner, the oldest Master Mason (now the Master of a Lodge) in the chair, *proposed a list of proper candidates;* and the brethren, by a majority of hands, elected Mr. Anthony Sayre, gent., Grand Master of Masons."—Anderson, sec. ed. p. 109.

† But if the by-laws require a ballot, it must be taken, even if there be no opposition; for a subordinate Lodge cannot suspend its by-laws, although a Grand Lodge can, by unanimous consent.

BOOK V.

Law relating to Grand Lodges.

LODGES are the aggregations of Masons as individuals in their primary capacity. Grand Lodges are the aggregations of subordinate Lodges in their representative capacity. The regular progress of our inquiries has hitherto been from the candidate to the Mason, and from the Mason to the Lodge. I now complete the series by passing from the Lodge to the Grand Lodge. This will therefore be the subject matter of the Fifth Book.

CHAPTER I.

The Nature of a Grand Lodge.

LENNING defines a Grand Lodge to be "the dogmatic and administrative authority of several particular Lodges of a country or province, which is usually composed of the Grand officers and of the presiding officers of these particular Lodges, or of their deputies, and which deliberates for their general good."*

The Old Charges of 1722 gave a more precise definition, and say that "the Grand Lodge consists of, and is formed by, the Masters and Wardens of all the regular particular Lodges upon record, with the Grand Master at their head, and his Deputy on his left hand, and the Grand Wardens in their proper places."†

Both these definitions refer to an organization which is comparatively modern, and which dates its existence at a period not anterior to the beginning of the last century. Perfectly to understand the nature of a Grand Lodge, and to comprehend the process by which such a body has changed its character, from an aggregation of all the Masons living in a particular jurisdiction, to a representative body, in which all, except a select few, have been excluded from its deliberations, we must go back to the earlier published records that we possess of the history of the institution.

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* Encyclopadie der Freimaurerei, word *Orient.*

† ANDERSON's Const. first edit. p. 61 and *ante* p. 68.

The duty, as well as the right of the craft, to hold an Annual Meeting, in which they might deliberate on the state of the Order, and make necessary general laws for its government, may be considered, in consequence of its antiquity and its universality, to possess all the requisites of a Landmark.

The first written notice that we have of the existence of a Grand Lodge or General Assembly of the fraternity, is contained in the old manuscript of Nicholas Stone, which Preston tells us was, with many others, destroyed in the year 1720, but of a portion of which Anderson, as well as Preston, gives a copy in the second edition of his Book of Constitutions.* We are there informed that about the year 293,† St. Alban, the proto-martyr of England, who was a great patron of the fraternity, obtained a charter from Carausius to permit the Masons to hold a general council, to which he gave the name of Assembly, and over which he presided as Grand Master.

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* See ANDERSON, second edit. p. 57. Let me here remark, that whatever may be said against the edition of ANDERSON, published in 1738, and which is the last that he edited, on account of the changes which it contains in the Charges of 1722, it is infinitely superior in the historical part to the first edition of 1723, whose meager and unsatisfactory details have justly been the cause of much complaint.

† This is the date given by REBOLD.—*Hist. de la Francmaçon*, p. 95.

In consequence of the subsequent political condition of England, Masonry, with the other arts and sciences, declined, and it is not probable that the annual assemblies of the fraternity were regularly maintained. About the beginning of the tenth century, however, the institution revived, and Prince Edwin, the brother* of King Athelstan, obtained from that monarch a charter for the Masons to renew their General Assembly or Grand Lodge.

Accordingly, in the year 926, says Anderson, "Prince Edwin summoned all the Free and Accepted Masons in the realm to meet him in a congregation at York, who came and formed the Grand Lodge under him as their Grand Master."†

This was an important communication, for it was here that the Old York or Gothic Constitutions were framed—the oldest copy that is extant of a code of Masonic Regulations, and which formed the basis of all the Constitutions that were subsequently adopted.‡

In these Constitutions we find the assertion of the right and duty of all the members of the craft to attend the communications of the Grand Lodge, and also a brief summary of the organization and functions of that body.*

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* In the first edition of Anderson he is called "the youngest son," an error which was corrected in the second and subsequent editions.

† ANDERSON, second edit. p. 64.

‡ See a condensed exemplar of these Constitutions at page 42 of this work.

There is one peculiarity about these Constitutions which, in passing, I desire to notice, as it is connected with the legal history of Grand Lodges. The Fellow Crafts were permitted to attend the General Assembly, but the Apprentices are not alluded to, because they were not, at that time, considered as "men of the craft."

It is probable that from that time the Annual Grand Lodges continued to be held, although not with uninterrupted regularity; for, while Masonry flourished under some of the English monarchs, under others it declined. At all events we learn from an ancient record, a copy of which is given by Anderson, that in the reign of Edward III. a Grand Lodge was held, and certain important regulations enacted for the government of the craft. This was between the years 1327 and 1377, but the exact date is not furnished by either Preston or Anderson.†

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* "They ordained there an assembly to be held
Every year, wheresoever they would,
To amend errors, if any were found,
Among the craft within the land;
Each year or third year it should be held,
In every place wheresoever they would;
Time and place must be ordained also
In which place they should assemble;
All the men of the craft must be there."

—*Gothic Constitutions*, lines 471–479. I have modernized the orthography, which, without affecting the meaning, has destroyed the very little pretension that the original had to rhyme. OLIVER'S condensation of this "ordinance" will be found in the present work at p. 47.

† ANDERSON, second edit. p. 71; PRESTON, p. 137.

In 1425, these meetings still continued, for in that year, in the reign of Henry VI., Parliament passed an act to prohibit "the yearly congregations and confederacies made by Masons in their general assemblies."*

This act was, however, we are informed, never enforced; and we again hear of the General Assembly as having met in 1434.

In the reign of Queen Elizabeth, on the 27th December, 1561, we have an account of a Grand Lodge which was held at York—Sir Thomas Sackville being Grand Master; and the record is singular, inasmuch as it states two important facts, namely, that several persons were made Masons by the Grand Lodge, and that after they were made, they joined in the communication,† which proves that the custom still continued of admitting all members of the craft to assist in the General Assembly.

The next Grand Lodge, whose communication was of such importance as to entitle it to a place in the records of the institution, was that which was held on the 27th December, 1663, when the Earl of St. Albans was Grand Master, and when several judicious regulations were enacted.‡

From this time General Assemblies were annually held, both at York and London, until the beginning of the eighteenth century, when, owing to the neglect of Sir Christopher Wren, the Grand Master, and to some other causes, the Annual Assembly, we are told, was not duly attended.*

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* ANDERSON, second edit. p. 74; PRESTON, p. 141.

† This was the celebrated meeting to which Queen Elizabeth sent an armed force to break up the assemblage. See ANDERSON, second edit. p 81, and PRESTON, p. 154.

‡ ANDERSON second edit. p. 101.

But now we arrive at an important era in the history of Masonry. In 1716, there were only four Lodges in existence in London, and no others in the whole south of England. These four Lodges determined, if possible, to revive the institution from its depressed state, and accordingly they met in February, 1717, at the Apple-tree Tavern, (whose name has thus been rendered famous for all time,) and after placing the oldest Master Mason, who was the Master of a Lodge, in the chair, they constituted themselves into a Grand Lodge, and resolved, says Preston, "to revive the quarterly communications of the fraternity." On the following St. John the Baptist's day, the Grand Lodge was duly organized, and Mr. Anthony Sayre was elected Grand Master, who "appointed his Wardens, and commanded the brethren of the four old Lodges to meet him and the Wardens quarterly in communication."† From that time Grand Lodges have been uninterruptedly held, receiving, however, at different periods, various modifications, which are hereafter to be noticed.

The records from which this brief history has been derived, supply us with several facts, from which we may elicit important principles of law.

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* ANDERSON, second edit. p. 108.

† I again quote the words of PRESTON, but ANDERSON says he commanded "the Masters and Wardens."

In the first place, we find that originally the meetings of the fraternity in their General Assembly or Grand Lodge, were always annual. The old York Constitutions, it is true, say that the assembly might be held triennially; but wherever spoken of, in subsequent records, it is always as an Annual Meeting. It is not until 1717 that we find anything said of quarterly communications; and the first allusion to these subordinate meetings in any printed work, to which we now have access, is in 1738, in the edition of the Constitutions published in that year. The expression there used is that the quarterly communications were "forthwith revived." This of course implies that they had previously existed; but as no mention is made of them in the Regulations of 1663, which, on the contrary, speak expressly only of an "Annual General Assembly," I feel authorized to infer that quarterly communications must have been first introduced into the Masonic system after the middle of the seventeenth century. They have not the authority of antiquity, and have been very wisely discarded by nearly all the Grand Lodges in this country.

In the next place, it will be observed that at the Annual Assembly, every member of the craft was permitted to be present, and to take a part in the deliberations. But by *members of the craft*, in the beginning, were meant Masters and Fellows only. Apprentices were excluded, because they were not entitled to any of the privileges of craftsmen. They were not free, but bound to their Masters, and in the same position that Apprentices now are in any of our trades or mechanical employments. The institution was then strictly operative in its character; and although many distinguished noblemen and prelates who were not operative Masons, were, even at that early period, members of the Order and exalted to its highest offices, still the great mass of the fraternity were operative, the workmen were engaged in operative employments, and the institution was governed by the laws and customs of an operative association.

In this respect, however, an important change was made, apparently about the beginning of the eighteenth century, which had a remarkable effect on the character of the Grand Lodge organization. Preston tells us that at that time a proposition was agreed to "that the privileges of Masonry should no longer be restricted to operative Masons, but extend to men of various professions, provided they were regularly approved and initiated into the Order."* Now, as it is known that long before that period "men of various professions" had been admitted into the Order, and as we find a king presiding as Grand Master in 1502, and many noblemen, prelates, and distinguished statesmen occupying the same post, before and after that period, it is evident that this Regulation must be construed as meaning that the institution should throw off from that time its mixed operative and speculative character, and become entirely speculative. And we are warranted in making this conclusion by the facts of history.

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* PRESTON, p. 180.

In 1717, and very soon after, we find such men as Anderson and Desaguliers, who were clergymen and philosophers, holding high positions and taking an active part in the Order, and the Society from that time devoted itself to the pursuit of speculative science, leaving the construction of cathedrals and palaces to the operative workmen, who, as such, were unconnected with the Order.

Now, the first effect of this change was on the character of the class of Apprentices. They were no longer, as in the olden time, youths placed under the control of Masters, to acquire the mysteries of a trade, but they were men who had been initiated into the first degree of a Mystic Association. The great object of the Apprentices in the operative art was to acquire a knowledge of that art, and being made free by the expiration of their time of service, which the oldest Constitutions prescribed should be seven years, to be promoted to the rank of Craftsmen, when they would be entitled to receive wages, and to have a voice in the deliberations of the Society.

The Apprentices in the speculative science but seldom proceeded further. The mass of the old Society consisted of Fellows, or Fellow Crafts; that of the new organization was composed of Apprentices. The primitive Lodges were made up of Fellow Crafts principally; the modern ones of Apprentices. Anderson, Preston, and all the old

Charges and Constitutions will afford abundant proofs of this fact.*

The Apprentices having thus become the main body of the fraternity, the necessary result was, that occupying, in this respect, the place formerly filled by the Fellow Crafts, they assumed all the privileges which belonged to that class. And thus we arrive at the fact, and the reason of the fact, that in 1717, at the re-organization of the Grand Lodge, Entered Apprentices were admitted to attend the Annual Assembly; and we can satisfactorily appreciate that clause in the thirty-ninth of the Regulations, adopted in 1721, which says that no new regulation should be adopted until, at the Annual Assembly or Grand Feast, it was offered in writing to the perusal of all the brethren, "*even of the youngest Entered Apprentice.*"

From Anderson and Preston, who are unfortunately the only authorities we possess on the condition of Masonry in England in the year 1717, we are enabled to collect the following facts:

When the Grand Lodge was re-organized in 1717, all the members of the four Lodges then in existence had a right to be present at all the communications of the Grand Lodge ; but when new Lodges were formed, this privilege was restricted to their Masters and Wardens, though it seems that at the Grand Feast, which took the place of the Annual General Assembly, Fellow Crafts and Entered Apprentices were still permitted to appear and express their opinions.

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* "At first Fellow Crafts and Master Masons could only be made in the Grand Lodge, and it is so directed in the thirteenth of the Regulations of 1721. But in November, 1725, the Master and Wardens of a subordinate Lodge, with the assistance of a competent number of brethren, were permitted to confer the second and third degrees."—ANDERSON, second edit. p. 160. But it will be found that as soon as the Lodges were invested with this power, the Apprentices began to lose the prerogative of attending the General Assembly.

The members of the four old Lodges, having first secured their inherent rights by the adoption of a resolution in the Grand Lodge that no law should ever be passed which would infringe their immemorial privileges, thought it no longer necessary that they should attend the communications of the Grand Lodge ; and they too, like the other Lodges, trusted implicitly to their Masters and Wardens as their representatives in the Grand Lodge, so that soon after 1717, and before the year 1721, the quarterly communications of the Grand Lodge were composed only of the Masters and Wardens of the subordinate Lodges, with the Grand Master and his officers.

But the General Assembly was still attended by the whole of the craft, whose large numbers soon began to prove an inconvenience ; for we are informed by Anderson that in the year 1721, the number of Lodges had so increased that the General Assembly, requiring more room, was removed from the Goose-and-Gridiron Ale-house to Stationers' Hall.*

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* "Payne, Grand Master, observing the number of Lodges to increase, and that the General Assembly required more room, proposed the next Assembly and feast to be held at Stationers' Hall, Ludgate Street."—Anderson, second edit. p. 112.

Now, the statement of these facts enables us to reconcile two apparent contradictions in the thirty nine Regulations that were adopted in 1721.

The Twelfth Regulation says that the Grand Lodge consists of the Masters and Wardens only; and yet the Thirty-seventh provides that at the Grand Feast the Grand Master "shall allow any Brother, Fellow Craft, or Apprentice to speak, or to make any motion for the good of the fraternity." The apparent contradiction in these passages may be now readily explained. The Twelfth Regulation refers to the quarterly communications, where the Masters and Wardens only were present; the Thirty-seventh Regulation to the General Assembly, where all the craft were permitted to attend.

But this privilege of attending even the Annual Communication was soon taken from the members of the Lodges. At what precise period it is impossible to say, for the student of Masonic history finds himself repeatedly at fault, not only from the paucity of details and want of precision in the authorities, but frequently from the contradictory statements of the same authority. But we may gather many important suggestions from the regulations which were adopted at various times, while the Grand Lodge appears to have been gradually settling down into a permanent organization, and which will be found in the second and subsequen editions of the Book of Constitutions.

Thus, on the 26th of November, 1728, it was enacted that if any officer of a Lodge could not at tend the meeting of the Grand Lodge, he might send a brother of that Lodge, "but not a mere Entered Apprentice."* This shows that Apprentices, at least, were by this time disfranchised.

Again: the Thirty-ninth Regulation, adopted in 1721, had made it necessary that every amendment to or alteration of any of the Old Regulations must be submitted, at the Annual Assembly, to the perusal of even the youngest Apprentice, and be approved by a majority of *all* the brethren present. But on the 25th of November, 1723, it was resolved that any Grand Lodge has the power to amend or explain any of the regulations; and accordingly the explanation is appended to this regulation in the second edition of the Book of Constitutions, that new regulations may be made "without the consent of all the brethren, at the Grand Annual Feast."†

And finally: on the 6th of April, 1736, a Fortieth Regulation was adopted, which explicitly declared "that no brothers should be admitted into the Grand Lodge but those that are the known members thereof, viz: the four present and all former Grand Officers, the Treasurer and Secretary, the Masters and Wardens of all regular Lodges, the Masters and Wardens and nine more of the Stewards' Lodge, except a brother who is a petitioner or a witness in some case, or one called in by motion."‡

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* ANDERSON, second edition, p. 159.

† *Ibid*, p. 176. ‡ *Ibid*, p. 176.

Here is an instance of that want of precision of which I have just complained. This new regulation may refer only to the quarterly communications, although that would hardly have been necessary, as the organization of those meetings had already been provided for, or it may refer to all communications, both quarterly and annual. If the latter were the case, then it is clearly a disfranchisement of the Fellow Crafts and Apprentices. At all events the spirit of the regulation shows a growing tendency in the Masons of that time to restrict membership in the Grand Lodge to the Grand Officers and Masters and Wardens, and to make that body strictly representative in its character.

We thus learn that Grand Lodges were at first annual assemblages, at which the Masters and Fellows of every Lodge were permitted to be present. They next became quarterly, as well as annual, and Apprentices, as well as Masters and Fellows, were permitted to attend. And finally, none were allowed to participate in the deliberations except the Masters and Wardens of the Lodges.

Let us now inquire what, after all these vicissitudes, has at length been settled upon, by general consent, as the organization of a Grand Lodge in the present day.

A Grand Lodge may be defined to be a congregation of the representatives of the subordinate Lodges in a jurisdiction, with the Grand Master and Grand Officers at their head. It properly consists of the Grand and Deputy Grand Master, the Grand Wardens, the Grand Chaplain,* Grand Treasurer and Grand Secretary, for the time being, with the Masters and Wardens of the subordinate Lodges.

Every Grand Lodge is competent to make regulations admitting other members; and accordingly Past Grand Officers and sometimes Past Masters are allowed to sit as members, but these possess no such inherent right, and must be indebted for the privilege altogether to a local regulation.†

The powers and duties of Grand Lodges will be the subject of discussion in the following chapter.

It only remains to consider the proper mode of organizing a Grand Lodge in a territory where no such body has previously existed. Perfectly to understand this subject, it will be necessary to commence with the first development of Masonry in any country.

Let us suppose, then, that there is a territory of country within whose political bounds Freemasonry has never yet been introduced in an organized form. There may be, and indeed for the execution of the law which is about to be explained, there must be an adequate number of Master Masons, but there is no Lodge. Now, the first principle of Masonic law to which attention is to be directed, in this condition of things, is, that any territory into which Masonry has not been introduced in the organized form of Lodges, is ground common to all the Masonic authorities of the world; and therefore that it is competent for any Grand Lodge to grant a warrant of constitution, and establish a Lodge in such unoccupied territory, on the petition, of course, of a requisite number of Masons. And this right of granting warrants inures to every Grand Lodge in the world, and may be exercised by as many as choose to do so, as long as no Grand Lodge is organized in the territory. So that there may be ten or a dozen Lodges working at the same time in the same territory, and each one of them deriving its legal existence from a different Grand Lodge.*

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* In the Thirteenth Regulation of 1721, the Grand Chaplain is not mentioned, but at that time the office did not exist. It is clear that after the establishment of the office among the Grand Officers, he should be entitled to all the privileges belonging to the rest of his class.

† "Thus the privilege of membership in the Grand Lodge was extended by a special regulation in 1724 to Past Grand Masters, in 1725 to Past Deputies, and in 1727 to Past Grand Wardens."—ANDERSON, second edition pp. 158–159.

In such a case, neither of the Grand Lodges who have granted warrants acquires, by any such act, exclusive jurisdiction over the territory, which is still open for the admission of any other Grand Lodge, with a similar power of granting warrants. The jurisdiction exercised in this condition of Masonry by the different Grand Lodges, is not over the territory, but over the Lodge or Lodges which each of them has established.

But afterwards these subordinate Lodges may desire to organize a Grand Lodge, and they are competent to do so, under certain restrictions.

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* "Thus, at the time of the organization of the Grand Lodge of California in 1850, there were five Lodges in that State working under the authority of the Grand Lodges of the District of Columbia, Connecticut, Missouri, New Jersey and Louisiana."—*Trans. G. L. California*, p. 12.

In the first place, it is essential that not less than *three* Lodges shall unite in forming a Grand Lodge. Dermott, without any other authority that I can discover than his own *ipse dixit*, says that not less than *five* Lodges must concur in the formation of a Grand Lodge,* and Dr. Dalcho, who was originally an "ancient York Mason," repeats the doctrine;† but if this be the true state of the law, then the Grand Lodge of England, which was organized in 1717, with the concurrence of only *four* Lodges, must have been irregular.‡ The fact is that there is no ancient regulation on the subject; but the necessity of three Lodges concurring is derived from the well known principle of the civil law that a college or corporate body must consist of three persons at least.§ Two Lodges could not unite in a Masonic college or convention, nor form that corporate body known as a Grand Lodge. But not more than three are necessary, and accordingly the Grand Lodge of Texas, which was established in 1837, by *three* Lodges, was at once recognized as regular and legal by all the Grand Lodges of the United States and other countries.

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* Ahiman Rezon, p. xiii. third edit. † *Ibid*, p. 154, edit. 1822.

‡ The Grand Lodge of Ohio was organized in 1808 by only four Lodges, and some doubt was expressed at the time by the members of the regularity of the organization. A committee was appointed to investigate the question, of which Bro. Lewis Cass—since distinguished for his investigations in another field—was the chairman. The committee reported the example of the Grand Lodge of England as a precedent, and the organization was consummated. It is strange that any doubt should have been entertained on the subject, as the only authority for five Lodges which at that time could have been quoted was the spurious one of Dermott.

§ Tres faciunt collegium.

As soon as the new Grand Lodge is organized, it will grant warrants to the Lodges which formed it, to take effect upon their surrendering the warrants under which they originally acted to the Grand Lodges, from which they had derived them There is no regulation prescribing the precise time at which these warrants are to be surrendered; but it seems reasonable to suppose that they could not surrender them before the new Grand Lodge is organized, because the surrender of a warrant is the extinction of a Lodge, and the Lodges must preserve their vitality to give them power to organize the new authority.

The Grand Lodge thus formed, by the union of not less than three Lodges in convention, at once assumes all the prerogatives of a Grand Lodge, and acquires exclusive Masonic jurisdiction over the territory within whose geographical limits it has been constituted. No Lodge can continue to exist, or be subsequently established in the territory, except under its authority; and all other Grand Lodges are precluded from exercising any Masonic authority within the said territory.

These are all principles of Masonic law which seem to be admitted by universal consent, and sanctioned by constant usage in such organizations.

CHAPTER II.

The Powers of a Grand Lodge.

A Grand Lodge is the supreme Masonic authority of the jurisdiction in which it is situated, and faithful allegiance and implicit obedience is due to it from all the Lodges and Masons residing therein. Its functions and prerogatives are therefore of the most extensive and important nature, and should be carefully investigated by every Mason who desires to become acquainted, not only with his duties to the Order, but with his own rights and privileges in it.

The functions of a Grand Lodge are usually divided into three classes. They are—

1. Legislative;
2. Judicial;
3. Executive.

In its legislative capacity, a Grand Lodge makes the laws; in its judicial, it explains and applies them; and in its executive, it enforces them. Each of these functions will require a distinct section for its consideration.

SECTION I.

THE LEGISLATIVE POWERS OF A GRAND LODGE.

The Old York Constitutions of 926 declare that "the General Assembly or Grand Lodge shall consist of Masters and Fellows, Lords, Knights and Squires, Mayor and Sheriff, *to make new laws and to confirm old ones*, when necessary."*

The Regulations of 1721, enlarging on this definition, assert that "every Annual Grand Lodge has an inherent power and authority to make new regulations, or to alter these, for the real benefit of this ancient fraternity, provided always that the old Landmarks be carefully preserved."†

Both of these Regulations, it will be seen, acknowledge, in unmistakable terms, that the law-making power is vested in the Grand Lodge. But the latter one couples this prerogative with a qualification of so important a nature that it should be constantly borne in mind, when we are speaking of the legislative function of Grand Lodges. Although the Grand Lodge may make laws, these laws must never contravene the Landmarks; for the whole power of the Grand Lodge, great as it is, is not sufficient to subvert a Landmark. If Jupiter is the supreme governor, yet he must yield to the Fates, for they are greater than he.

The legislative powers of the Grand Lodge are therefore limited only by the Landmarks, and beyond these it can never pass.

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* See *ante* p. 46.

† ANDERSON, first edit. p. 70, *ante* p. 79.

In June, 1723, an attempt was made to remove this restriction, and a regulation was adopted which asserted that "it is not in the power of any man or body of men to make any alteration or innovation in the body of Masonry, *without the consent first obtained of the Grand Lodge*,"* which clearly intimates that with such consent an innovation might be made. But at the very next communication, in November of the same year, the Grand Lodge returned to the old conservative principle that "any Grand Lodge duly met has a power to amend or explain any of the printed regulations in the Book of Constitutions, *while they break not in upon the ancient rules of the fraternity*."†

This prerogative to make new regulations, or to amend the old ones, has been therefore exercised since the enactment of those of 1721, with the restriction of not touching the Landmarks, not only by the Grand Lodge of England, but by all the other Grand Lodges which have since emanated from that body, directly or indirectly; for it is admitted that all the functions and powers that were possessed by the original Grand Lodge have descended to every other Grand Lodge that has been subsequently instituted, so far as the jurisdiction of each is concerned.

But this law-making power is of course restrained within certain limits by those fixed rules of legislative policy which are familiar to every jurist.

1. In the first place, a Grand Lodge can make no

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* ANDERSON, second edit. p. 175. † *Ibid*, p. 175.

regulation which is in violation of or contradictory to any one of the well settled Landmarks of the Order. Thus, were a Grand Lodge, by a new regulation, to abolish the office of Grand Master, such legislation would be null and void, and no Mason would be bound to obey it; for nothing in the whole Masonic system is more undoubted than the Landmark which requires the institution to be presided over by such an officer. And hence this doctrine of the supremacy of the Landmarks has been clearly admitted in the very article which asserts for Grand Lodges the power of making new regulations.

2. The legislation of every Grand Lodge must be prospective, and not retrospective in its action. To make an *ex post facto* law, would be to violate the principles of justice which lie at the very foundation of the system.* It was a maxim of the Roman law that "no one could change his mind to the injury of another,"† which maxim, says Mr. Broom, "has by the civilians been specifically applied as a restriction upon the law-giver, who was thus forbidden to change his mind to the prejudice of a vested right."‡

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* "Every statute which takes away or impairs a vested right acquired under existing laws, or creates a new obligation, imposes a new duty, or attaches a new disability, in respect of transactions or considerations already past, may be deemed retrospective in its operation, and opposed to those principles of jurisprudence which have been universally recognized as sound." —BROOM, *Leg. Max.* p. 28.

† "Nemo potest mutare consilium suum in alterius injuriam."

‡ Leg. Max. p. 29.

3. A Grand Lodge cannot permanently alter or repeal any one of its by-laws or regulations, except in the mode which it has itself provided; for it is a maxim of the law that the same means are necessary to dissolve as to create an obligation."* Thus, if it is a part of the by-laws of a Grand Lodge that no amendment to them can be adopted unless it be read on two separate days, and then passed by a vote of two-thirds, it is not competent for such a Grand Lodge to make an amendment to its by-laws at one reading, and by merely a majority of votes.

But it has been held that a Grand Lodge may temporarily suspend the action of any one of its by-laws by an unanimous vote, without being compelled to pass it through a second reading. Thus, if the by-laws of a Grand Lodge require that a certain officer shall be elected by ballot, it may, by unanimous consent, resolve to elect, in a particular instance, by a show of hands. But after such election, the original by-law will be restored, and the next election must be gone through by ballot, unless by unanimous consent it is again suspended.

4. A Grand Lodge has the power of making by-laws for its subordinates; for the by-laws of every Lodge are a part of the Regulations of Masonry, and it is the prerogative of a Grand Lodge alone to make new regulations. Yet, for the sake of convenience, a Grand Lodge will, and most Grand Lodges do, delegate to their subordinates the duty of proposing by-laws for their own government;

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* "Eodem modo quo quid constituitur, eodem modo dissolvitur."—COKE.

but these by-laws must be approved and confirmed by the Grand Lodge before they become permanent regulations. And a Grand Lodge may at any time abrogate the by-laws, or any part of them, or of any one or all of its subordinates ; for, as the power of proposing by-laws is not an inherent prerogative in the Lodges, but one delegated by the Grand Lodge, it may at any time be withdrawn or revoked, and a Grand Lodge may establish a uniform code of by-laws for the government of its subordinates.

It is from the fact that a Lodge only proposes its by-laws, which the Grand Lodge enacts, that the principle arises that the Lodge cannot suspend any one of its by-laws, even with unanimous consent, for here the maxim of law already cited applies, and the same method must be adopted in abolishing as in creating an obligation. That is to say, the by-law having been enacted by the Grand Lodge, that body alone can suspend its operation.

5. But the most important prerogative that a Grand Lodge can exercise in its legislative capacity is that of granting warrants of constitution for the establishment of subordinate Lodges. Important, however, as is this prerogative, it is not an inherent one, possessed by the Grand Lodge from time immemorial, but is the result of a concession granted by the Lodges in the year 1717 ; for formerly, as I have already shown, all Masons enjoyed the right of meeting in Lodges without the necessity of a warrant, and it was not until the re-organization of the Grand Lodge, in the beginning of the last

century, that this right was surrendered. Preston gives the important Regulation which was adopted in 1717, in which it is declared that warrants must be granted by the Grand Master, " with the consent and approbation of the Grand Lodge in communication."* Anderson does not give this Regulation, nor will anything be found in the Regulations which were approved in 1721, respecting the necessity of the consent and approbation of the Grand Lodge. On the contrary, the whole tenor of those Regulations appears to vest the right of granting warrants in the Grand Master exclusively,† and the modern Constitutions of the Grand Lodge of England are to the same effect.‡ But in this country it has been the universal usage to restrict the power of the Grand Master to the granting of temporary dispensations, while the prerogative of granting permanent warrants is exclusively vested in the Grand Lodge.

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* As this Regulation is an important one, I give it in the exact words of PRESTON: " That the privilege of assembling as Masons, which had been hitherto unlimited, should be vested in certain Lodges or Assemblies of Masons, convened in certain places; and that every Lodge to be hereafter convened, except the four old Lodges at this time existing, should be legally authorized to act by a warrant from the Grand Master for the time being, granted to certain individuals by petition, with the consent and approbation of the Grand Lodge in communication; and that without such warrant no Lodge should be hereafter deemed regular or constitutional."—PRESTON, p. 182, OLIVER's edit.

† Thus: " They must obtain the Grand Master's warrant to join in forming a new Lodge."—*Reg.* viii. " If any set or number of Masons shall take upon themselves to form a Lodge, without the Grand Master's warrant," &c. —*Reg.* ix. " And this Lodge being thus completely constituted, shall be registered in the Grand Master's book, and by his order notified to the other Lodges."—ANDERSON, first edit. p. 72.

‡ " Every application for a warrant to hold a new Lodge must be by petition to the Grand Master."—*Const. of G. L. of England*, 1847, p. 122. In the third and subsequent editions of the Book of Constitutions, we find an important paragraph, which shows that in 1741, the right of granting warrants was expressly admitted to be the exclusive prerogative of Grand Masters. In that year " it was also ordered that no new Lodge for the future should be constituted within the bills of mortality, without the consent of the brethren

6. Coincident with this prerogative of granting warrants is that of revoking them. But as this prerogative should only be exercised for cause shown, and after some process of trial, it appears to me that it will be more appropriately discussed when we come to the consideration of the judicial functions of a Grand Lodge.

7. The taxing power is another prerogative of a Grand Lodge. Every Grand Lodge has the right to impose a tax on its subordinate Lodges, or on all the affiliated Masons living within its jurisdiction. The tax upon individual Masons is, however, generally indirect. Thus, the Grand Lodge requires a certain contribution or subsidy from each of its subordinates, the amount of which is always in proportion to the number of its members and the extent of its work, and the Lodges make up this contribution by imposing a tax upon their members. It is very rarely that a Grand Lodge resorts to a direct tax upon the Masons of its jurisdiction. At present I recollect but two instances in which such

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assembled in quarterly communication be first obtained for that purpose. But this order afterwards appearing to be *an infringement on the prerogative of the Grand Master*, and to be attended with many inconveniences and with damage to the craft, was repealed."—*Book of Const.* edit. 1769, p. 247. This record throws a reasonable doubt on the authenticity of the regulation quoted by Preston.

a right has been exercised, namely, by the Grand Lodges of Louisiana and Arkansas. In the former instance, as there appeared to be some opposition to the doctrine, the Grand Lodge in 1855 adopted a resolution, in which it declared that it did not "assert its power to tax unconditionally, or for extraordinary purposes, the constituent Lodges."*

I am at some loss to understand the distinct meaning of this proposition; but if it is intended to deny the prerogative of the Grand Lodge to levy any kind or amount of tax that it deems expedient on either the subordinate Lodges or their individual members, I am compelled to refuse my assent to such a proposition. That the power to impose taxes is a prerogative of every sovereignty is a doctrine which it would be an act of supererogation to defend, for no political economist has ever doubted it.† The only qualification which it admits is, that the persons taxed should be entitled to a voice, directly or indirectly, in the imposition; for taxation without representation is universally admitted to be one of the most odious forms of tyranny. But as a Grand Lodge, as the supreme Masonic authority in every jurisdiction, is invested with all the attributes of sovereignty, and is besides a representative body, it follows that the unconditional power of taxation must reside in it as one of the prerogatives of its sovereignty. And if the par ticular species or amount of taxation is deemed oppressive or even inexpedient, it is easy for the subordinate Lodges, by the exercise of the power of instruction which they possess, to amend or altogether to remove the objectionable imposition.

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* Proceedings of the G. L. of Louisiana, 1855, p. 80.

† "Taxes," says CICERO, "are the sinews of the State." *Vectigalia nervi sunt reipublicæ.*

But the question assumes a different aspect when it relates to the taxation of unaffiliated Masons. I am compelled, after a mature consideration of the subject, to believe that the levying of a tax upon unaffiliated Masons is contrary to the spirit of the institution, the principles of justice, and the dictates of expediency. It is contrary to the spirit of our institution: Masonry is a voluntary association, and no man should be compelled to remain in it a moment longer than he feels the wish to do so.* It is contrary to the principles of justice, for taxation should always be contingent upon representation; but an unaffiliated is not represented in the body which imposes the tax. And lastly, it is contrary to the dictates of expediency, for a tax upon such Masons would be a tacit permission and almost an encouragement of the practice of non-affiliation. It may be said that it is a penalty inflicted for an offence; but in reality it would be considered, like the taxes of the Roman chancery, simply as the cost of a license for the perpetration of a crime. If a Mason refuses, by affiliation and the payment of dues to a Lodge, to support the institution, let him, after due trial, be punished, by deprivation of all his Masonic privileges, by suspension or expulsion; but no Grand Lodge should, by the imposition of a tax, remove from non-affiliation its character of a Masonic offence. The notion would not for a moment be entertained of imposing a tax on all Masons who lived in violation of their obligations; and I can see no difference between the collection of a tax for non-affiliation and that for habitual intemperance, except in the difference of grade between the two offences. The principle is precisely the same.

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* "We recognize fully the doctrine laid down in the Ancient Constitutions, 'that it is the duty of every Mason to belong to some regular Lodge.' But as his entrance into the fraternity is of his own free will and accord, so should be the performance of this and every other Masonic duty."—*Special Com. G. L. of Ohio*, 1854. See *Proc.* from 1848 to 1857, p. 384

SECTION II.

THE JUDICIAL POWERS OF A GRAND LODGE.

In the exercise of its judicial functions, a Grand Lodge becomes the interpreter and administrator of the laws which it had enacted in its legislative capacity. The judicial powers of a Grand Lodge, according to the Old Constitutions, are both original and appellate, although it more frequently exercises the prerogative and duties of an appellate than of an original jurisdiction.

In England, at this day, all cases of expulsion must be tried under the original jurisdiction of the Grand Lodge, for there no private Lodge can inflict this penalty upon any one of its members;* but in this country constant usage, which, according to Sir Edward Coke, is the best interpreter of the laws,* has conferred the power of expulsion upon the subordinate Lodges, and hence such cases seldom come before the Grand Lodge, except in the way of appeal, when, of course, it exercises its appellate jurisdiction, and may amend or wholly set aside the sentence of its subordinate. Still, this must be viewed as only a tacit or implied concession, unless, as sometimes is the case, a Grand Lodge in express terms divests itself of original jurisdiction, which, of course, under the authority to make new regulations, it may.

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* "In the Grand Lodge alone resides the power of erasing Lodges, and expelling brethren from the craft, a power which it ought not to delegate to any subordinate authority in England."—*Const. G. L. of Eng.* 1847.

But the general spirit of the ancient law is, that the Grand Lodge may at all times exercise original jurisdiction. And hence, where a Grand Lodge has not, by special enactment, divested itself of the prerogative of original jurisdiction, it may, by its own process, proceed to the trial and punishment of any Mason living within its jurisdiction. This course, however, although strictly in accordance with the Ancient Constitutions, is not usual, nor would it be generally expedient, and hence some Grand Lodges have specially confined their judicial prerogatives to an appellate jurisdiction, and require the inception of every trial to take place in a subordinate Lodge.

But I know of no matter in which a Grand Lodge may not, according to the ancient law and custom, exercise an original jurisdiction; for, although a

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* "Consuetudo est optimus interpres legum."

Grand Lodge in this country will, by tacit consent. and sometimes by explicit enactment,* permit a subordinate Lodge to exercise judicial powers, and will allow its judgment to stand, unless there be an appeal from it, yet, if the original jurisdiction was assumed by the subordinate, only by this tacit consent, and not, as in the case of Ohio, by express grant, then the original jurisdiction continues to be vested in the Grand Lodge, and may at any time be resumed. For there is no fact in the history of Masonic jurisprudence more certain than that the General Assembly or Grand Lodge always in ancient times exercised an original jurisdiction and supervision over the whole craft.† Hence offences were formerly always tried in that body; and it is only since the re-organization in 1717, that the Grand Lodge has neglected to exercise its prerogative o original jurisdiction, and for the purposes of convenience, perhaps, permitted the subordinate Lodges to try offences, restricting itself in general to an appellate revision of the case.* But although, under ordinary circumstances, it is a maxim of law that rights are forfeited by non-user, yet such maxim cannot apply to the Grand Lodge, which, as a sovereign body, can have none of its rights barred by lapse of time,† and may therefore at any time resume its original jurisdiction.

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* Ohio, for instance, gives the power of discipline to its subordinates, and reserves to the Grand Lodge only appellate jurisdiction.—*Const. Reg.* xxii. But New York, while granting this power of discipline to its subordinates, does not divest itself of the prerogative to exercise original jurisdiction.—*Const.* § 12.

† Thus the old York Constitutions of 926 (point 10) say: "If a Mason live amiss or slander his brother, so as to bring the craft to shame, he shall have no further maintenance among the brethren, but shall be summoned to the next Grand Lodge, and if he refuse to appear, he shall be expelled;" and in the Ancient Charges at Makings, it is provided that "every Master and Fellow shall come to the Assembly, (that is, the General Assembly, as is evident from the context,) if it be within fifty miles of him, if he have any warning, and if he have trespassed against the craft, to abide the award of Masters and Fellows."

But in matters of dispute between two Lodges, and in the case of charges against the Master of a Lodge, the Grand Lodge is obliged to exercise original jurisdiction; for there is no other tribunal which is competent to try such cases.

In the exercise of its judicial functions, the Grand Lodge may proceed either in its General Assembly or by committee, whose report will be acted on by the Grand Lodge. But the form of trial will be the subject of future consideration in a subsequent part of this work.

The Grand Lodge may, in the case of an appeal, amend the sentence of its subordinate, by either a diminution or increase of the punishment, or it may wholly reverse it, or it may send the case back for trial. And in any one of these events, its decision is final; for there is no higher body in Masonry who can entertain an appeal from the decision of a Grand Lodge.

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* The Charges which were approved in 1722 say, that "if a brother do you an injury, apply first to your own or his Lodge; and if you are not satisfied, you may appeal to the Grand Lodge." But this does not preclude the Grand Lodge from instituting an inquiry itself into the conduct of any brother; and the records from 1717 onwards give several instances where the Grand Lodge did exercise original jurisdiction, as in the case of "certain brethren suspected of being concerned in an irregular making of Masons," which was tried in 1739, and in that of Bro. Scott, tried in 1766.—See *Book of Const.* fourth edit. pp. 228 and 305.

† The maxim of the law that "nullum tempus occurrit regi" applies to the Grand Lodge as the sovereign of Masonry.

Among the important prerogatives exercised by a Grand Lodge in its judicial capacity, is that of revoking warrants of constitution. Although, as I have already shown, there is a discrepancy between the present American practice, which vests the granting of warrants in Grand Lodges, and the old Constitutions, which gave the power to Grand Masters, there is no doubt that the Grand Lodge has constantly exercised the prerogative of revoking warrants from the year 1742, when the first mention is made of such action, until the present day. But all the precedents go to show that no such revocation has ever been made except upon cause shown, and after due summons and inquiry. The arbitrary revocation of a warrant would be an act of oppression and injustice, contrary to the whole spirit of the Masonic institution.

SECTION III.

THE EXECUTIVE POWERS OF A GRAND LODGE.

In the exercise of its executive functions, the Grand Lodge carries its laws into effect, and sees that they are duly enforced. But as a Grand Lodge is in session only during a few days of the year, it is necessary that these functions should be exercised for it, by some one acting as its agent; and hence, to use the language of the Grand Lodge of New York, "all the executive powers of a Grand Lodge, when not in session, are reposed in its Grand Master."*

The Grand Master is therefore, in this discharge of executive powers, the representative of the Grand Lodge. That body having first, in its legislative capacity, made the law, and then, in its judicial capacity, having applied it to a particular case, finally, in its executive capacity, enforces its decision through the agency of its presiding officer. The Grand Master cannot make laws nor administer them, for these are the prerogatives of the Grand Lodge; but he may enforce them, because this is a power that has been delegated to him.

The conferring of degrees is an interesting and important exercise of the executive functions of a Grand Lodge, which is entitled to careful consideration. The question to be discussed is this: Has a Grand Lodge the power to confer the degrees of Masonry on a candidate? In the years 1851 and 1852, this question was the subject of controversy between the Grand Lodges of Wisconsin, Florida and Iowa—the two former claiming, and the latter denying the right. Let us endeavor to come to a right conclusion on this subject by a careful examination of the ancient laws and usages.

The earliest written Constitutions that we have—those of York in 926—show, without doubt, that Apprentices were at that time made by their own

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* Const. G. L. of New York, § 10.

Masters. The law is not so clear as to where Fellow Crafts were made, and we are obliged to resign all hope of finding any reference to the making of Master Masons, as all the old Constitutions previous to 1721 are silent on this subject. Either the degree did not then exist, as we now have it, or this was clearly a *casus omissus.*

The Constitutions of Edward III., in the fourteenth century, are equally uncertain; but in the third article is a phrase which seems to admit that Fellow Crafts might be made in a subordinate Lodge, for it is said that when a Lodge meets, the Sheriff, the Mayor, or the Alderman "should be made Fellow, or sociate to the Master." If the expression "made Fellow" is here to be interpreted in its Masonic meaning, then there can be no doubt that a Lodge might at that time confer the second degree; and I suppose, by analogy, the third. But of the correctness of this interpretation there may be a reasonable doubt, and if so, these Constitutions give us no light on the subject.

By the middle of the seventeenth century, we begin to find some definite authority, both in private records and in Constitutions. Elias Ashmole, the celebrated antiquary, tells us in his diary that he was made a Freemason on the 16th October, 1646, at Warrington, in Lancashire, "by Mr. Richard Penket, the Warden and the Fellow Crafts." This, then, was evidently in a subordinate Lodge. And in the Regulations adopted by the General Assembly in 1663. it is expressly stated that "no person, of what degree soever, be made or accepted a Freemason, unless in a regular Lodge, whereof one to be a Master or a Warden in that limit or division where such Lodge is kept, and another to be a craftsman in the trade of Freemasonry."*

Still later, about the year 1683, we find it stated in "The Ancient Charges at Makings" "that no Master nor Fellow take no allowance to be made Mason without the assistance of his Fellows, at least six or seven."†

Preston also furnishes us with authority on this subject, and tells us that previous to the beginning of the eighteenth century, a sufficient number of brethren might meet together without warrant make Masons, and practise the rites of Masonry.‡

But in 1722, a Regulation was adopted by the Grand Lodge of England, which declared that Entered Apprentices must be admitted Fellow Crafts and Masters only in the Grand Lodge, unless by a dispensation from the Grand Master.§

This Regulation continued in force, however, only for three years; for, in November, 1725, it was enacted that "the Master of a Lodge, with his Wardens and a competent number of the Lodge, assembled in due form, can make Masters and Fellows at discretion."‖ And ever since, the subordi nate Lodges have continued to confer all the degrees, while the records do not give a single instance of their being conferred, subsequent to that date, in the Grand Lodge.*

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* See *ante* p. 49.

† See *ante* p. 51.

‡ Preston, p. 182, note.

§ Reg. of 1722, No. xiii.

‖ See Anderson, second edit. p. 160. The reason is assigned in the third edition of the Book of Constitutions for this almost immediate repeal of the law, namely, that "it was attended with many inconveniences."—See third edit. p. 280

The facts, then, in relation to this subject appear to be briefly as follows: that as far back as we can trace by written records, the subordinate Lodges were authorized to confer all the degrees; that in 1722, or perhaps a year or two sooner,† this power, so far as the second and third degrees were concerned, was taken from the Lodges and deposited in the Grand Lodge; that in 1725, this change being found to be productive of inconvenience, the old system was restored, and the Lodges were again permitted to confer all the degrees.

I cannot doubt, from this statement of facts, that the attempt on the part of the Grand Lodge in 1722 to deprive the Lodges of their right to confer all the degrees, was a violation of an ancient Landmark, and I am inclined to attribute its speedy repeal as much to a conviction of this fact as to the acknowledged reason of its inconvenience.

But while I contend that all regular Lodges have an inherent right to enter, pass and raise Free masons, of which no Grand Lodge can deprive them, except by forfeiture of warrant, I cannot deny the same prerogative to a Grand Lodge; for I cannot see how an assemblage of Masons, congregated in their supreme capacity, can have less authority to transact all the business of Masonry than an inferior and subordinate body.

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* The instances quoted of the initiation of the Duke of Lorraine, the Prince of Wales, and a few others, were not examples of the degrees being conferred in a Grand Lodge, but of Masons made " at sight" by the Grand Master in " occasional Lodges."

† There is a record that the degrees were conferred in the Grand Lodge by Payne, Grand Master, on the 24th June, 1721; but we find no subsequent record to the same effect.

But I am equally convinced that the exercise of this prerogative by a Grand Lodge is, under almost all circumstances that I can conceive, most inexpedient, and that the custom of conferring degrees should be, as a matter of policy, confined to the subordinate Lodges.

LIBRARY OF THE UNIVERSITY OF CALIFORNIA

CHAPTER III.

The Officers of a Grand Lodge.

THE officers of a Grand Lodge, if we look to their ritual importance, are either *Essential* or *Accidental.* The Essential Officers are the Grand Master, the Grand Wardens, the Grand Treasurer, the Grand Secretary, and the Grand Tiler. All other officers are accidental, and most of them the result of comparatively recent Regulations.

But they are more usually divided into *Grand* and *Subordinate* Officers.

The Grand Officers are the Grand and Deputy Grand Masters, the Grand Wardens, Grand Treasurer, Grand Secretary and Grand Chaplain. To these, in many jurisdictions, has been added the office of Grand Lecturer.

The Subordinate Officers are the Grand Deacons, Grand Marshal, Grand Pursuivant, Grand Sword Bearer, Grand Stewards and Grand Tiler.

Committees of Foreign Correspondence, from their importance, seem also to be entitled to a place in the consideration of the officers of a Grand Lodge.

The examination of the duties and prerogatives of each of these officers will claim a distinct section of the present chapter.

SECTION I.

THE GRAND MASTER.

The office of Grand Master is one of such antiquity as to be coeval with the very origin of the institution, whether we look at that origin in a traditional or in an historical point of view. There never has been a time in which the Order has not been governed by a chief presiding officer under this name.

From this fact we derive the important principle that the office of Grand Master is independent of the Grand Lodge, and that all his prerogatives and duties, so far as they are connected generally with the craft, are inherent in the office, and not derived from, nor amenable to, any modern Constitutions.*

The whole records of our written and traditional history show, that Grand Masters have repeatedly existed without a Grand Lodge, but never a Grand Lodge without a Grand Master. And this is because the connection of the Grand Master is essentially with the craft at large, and only incidentally with the Grand Lodge. He is neither elected, installed, nor saluted as the "Grand Master of the Grand Lodge," but as the "Grand Master of Masons;"† and if the institution, so far as relates to its present organization, was again to be resolved into the condition which it occupied previous to the year 1717, and the Grand Lodge were to be abolished, in consequence of the resumption by the subordinate Lodges of their original prerogatives, the office of Grand Master would be unaffected by such revolution, and that officer would still remain in possession of all his powers, because his office is inseparable from the existence of the fraternity, and he would be annually elected as formerly, by the craft in their "General Assembly." In accordance with these views, we find Anderson recording that in the year 926, at the city of York, Prince Edwin, as Grand Master, summoned the craft, who then "composed a Grand Lodge, of which he was the Grand Master." The Grand Lodge did not constitute him as their Grand Master, for the appointment of Grand Master, according to the record, preceded the organization of the Grand Lodge.

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* "The claim that the Grand Master is the creature of the Grand Lodge is contrary to recorded history, and to every tradition on this subject that is contained in the arcana of Masonry."—*Com. of For. Corresp. G. L. of N. Y.*, 1854, p. 107.

† Thus, in 1724, we find it recorded that "Brother Dalkeith stood up, and bowing to the assembly, thanked them for the honor he had of being their

Again: both Anderson and Preston show us a long list of Grand Masters who were not even elected by the Grand Lodge, but held their appointment from the King. In 1663, a Regulation was adopted, declaring "that, for the future, the fraternity of Freemasons shall be regulated and governed by one Grand Master, and as many Wardens as the said society shall think fit to appoint at every annual General Assembly," which Assembly, it must

Grand Master, and then proclaimed aloud the most noble Prince and our Brother, Charles Lennox, Duke of Richmond and Lennox, GRAND MASTER OF MASONS!" and so on throughout the Book of Constitutions.

be recollected, was not, as now, a Grand Lodge, consisting of the representatives of Lodges, but a mass meeting of all the members of the craft. Again: an attentive perusal of the history of the present organization of Grand Lodges on St. John the Baptist's day, 1717, will show that the craft first, in General Assembly, elected their Grand Master, who then appointed his Wardens, and established a Grand Lodge, by summoning the Masters and Wardens of the Lodges to meet him in quarterly communication. In short, everything of an authentic nature in the history of Masonry shows that the Grand Master is the officer and the organ of the craft in general, and not of the Grand Lodge, and that although for purposes of convenience, the fraternity have, for the last one hundred and thirty-five years, conceded to their Masters and Wardens in Grand Lodge convened the privilege of electing him for them, such concession does not impair his rights, nor destroy the intimate and immediate connection which exists between him and the craft at large, to whom alone he can be said to have any rightful responsibility.

All of this very clearly shows—and this is, I think, the general opinion of Masonic jurists—that, with the exception of a few unimportant powers, conferred for local purposes, by various Grand Lodges, and which necessarily differ in different jurisdictions, every prerogative exercised by a Grand Master is an inherent one—that is to say, not created by any special statute of the Grand

Lodge, but the result and the concomitant of his high office, whose duties and prerogatives existed long before the organization of Grand Lodges.

The responsibility of the Grand Master presents itself as the next important question. Invested with these high and inalienable functions, to whom is he responsible for their faithful discharge, and by whom and how is he to be punished for his official misdemeanors? These are important and difficult questions, which have occupied the attention and divided the opinions of the most eminent Masonic jurists.

It is not to be doubted that the Grand Master is not an irresponsible officer. To deny this broad principle would be to destroy the very foundations on which the whole system of Masonic legislation is built. Democratic as it is in its tendencies, and giving to every member a voice in the government of the institution, it has always sustained the great doctrine of responsibility as the conservative element in its system of polity. The individual Mason is governed by his Lodge; the Master is controlled by the Grand Lodge; the Grand Lodge is restrained by the ancient Landmarks: and if the Grand Master were not also responsible to some superior power, he alone would be the exception to that perfect adjustment of balances which pervades and directs the whole machinery of Masonic government.

The theory on this subject appears to me to be, that the Grand Master is responsible to the craft for the faithful performance of the duties of his office. I can entertain no doubt that originally it was competent for any General Assembly to entertain jurisdiction over the Grand Master, because, until the year 1717, the General Assembly was the whole body of the craft, and as such, was the only body possessing general judicial powers in the Order; and if he was not responsible to it, then he must of necessity have been altogether without responsibility; and this would have made the government of the institution despotic, which is directly contrary to the true features of its policy.

How this jurisdiction of the craft in their General Assembly was to be exercised over the Grand Master, we have no means of determining, since the records of the Order furnish us with no precedent. But we may suppose that in the beginning, when Grand Masters were appointed by the reigning monarch, that jurisdiction, if necessary, would have been exercised by way of petition or remonstrance to the king, and this view is supported by the phraseology of the Constitutions of 926, which say, that "in all ages to come, the existing General Assembly shall petition the king to confer his sanction on their proceedings."

As the power of deposition or other punishment was vested, in those early days, in the reigning monarch, because he was the appointer of the Grand Master, it follows, by a parity of reasoning, that when the appointment was bestowed upon the

General Assembly, the power of punishment was vested in that body also.

But in the course of time, the General Assembly of the craft gave way to the Grand Lodge, which is not a congregation of the craft in their primary capacity, but a congregation of certain officers in their representative capacity. And we find that in the year 1717, the Masons delegated the powers which they originally possessed to the Grand Lodge, to be exercised by their Masters and Wardens, in trust for themselves. Among these powers which were thus delegated, was that of exercising penal jurisdiction over the Grand Master. The fact that this power was delegated, is not left to conjecture; for, among the Regulations adopted in 1721, we find one which recognizes the prerogative in these emphatic words: "If the Grand Master should abuse his power, and render himself unworthy of the obedience and subjection of the Lodges, he shall be treated in a way and manner to be agreed upon in a new Regulation, because hitherto the ancient fraternity have had no occasion for it—their former Grand Masters having all behaved themselves worthy of that honorable office."*

This article comprises three distinct statements; first, that the Grand Master is responsible for any abuse of his power; secondly, that a Regulation may at any time be made to provide the mode of exercising jurisdiction over him; and lastly, that such Regulation never has been made, simply because there was no necessity for it, and not because there was no power to enact it.

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* Regulations of 1721, art. xix.

Now, the method of making new Regulations is laid down in precise terms in the last of these very Regulations of 1721. The provisions are, that the Landmarks shall be preserved, and that the new Regulation be proposed and agreed to at the third quarterly communication preceding the annual Grand Feast, and that it be also offered to the perusal of all the brethren before dinner, in writing, even of the youngest Apprentice—the approbation and consent of the majority of all the brethren being absolutely necessary to make it binding and obligatory.

It is evident that a literal compliance with all the requisitions of this Regulation has now become altogether impracticable. Entered Apprentices have no longer, by general consent, any voice in the government of the Order, and quarterly communications, as well as the annual Grand Feast, have almost everywhere been discontinued. Hence we must apply to the interpretation of this statute the benign principles of a liberal construction.* We can only endeavor substantially, and as much as possible in the spirit of the law, to carry out the intentions of those who framed the Regulation.

It seems to me, then, that these intentions will be obeyed for all necessary purposes, if a new Regulation be adopted at an annual meeting of the Grand

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* "Benignè faciendæ sunt interpretationes et verba intentioni debent inservire."—*Law Maxim*

Lodge, and by the same majority which is required to amend or alter any clause of the Constitution.* The power to make new Regulations, which was claimed by the Grand Lodge of England in 1721, and afterwards reässerted in 1723, in still more explicit terms, is equally vested in every other regularly organized Grand Lodge which has been since established, and which is, by virtue of its organization, the representative, in the limits of its own jurisdiction, of the original Grand Lodge which met at the Apple-tree tavern in 1717.

With these preliminary observations, we are now prepared to enter upon an investigation of the prerogatives and duties of a Grand Master.

1. The Grand Master has the right to convene the Grand Lodge on any special occasion, at such time and place as he may deem expedient. The Constitution of the Grand Lodge necessarily must designate a time and place for the annual communication, which it is not in the power of the Grand Master to change. But on the occurrence of any emergency, which may, in his opinion, render a special communication necessary, the Grand Master

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* Bro. ALBERT PIKE confirms this view in his admirable report on foreign correspondence in the Grand Lodge of Arkansas: "Every Grand Lodge can make any new regulation which changes no Landmark. The nineteenth article declares that a new regulation *may be* made on this subject. That being so, and the thirty-ninth declaring that none can be made to change a Landmark, of course this would not change a Landmark, or else it could not be made. We cannot doubt, then, that *constitutional* provisions might be made for dealing with a Grand Master during his term of office; but certainly it could not be done in any other way."—*Proc. G. L. of Ark.,* 1854 p. 122.

possesses the prerogative of convoking the Grand Lodge, and may select such time and place for the convocation as he deems most convenient or appropriate. This prerogative has been so repeatedly exercised by Grand Masters, from the earliest times to the present day, that it seems to be unnecessary to furnish any specific precedents out of the multitude that the most cursory reading of the old records would supply.*

2. The Grand Master has the right to preside over every assembly of the craft, wheresoever and whensoever held. This is a Landmark of the Order,† and consequently the right of the Grand Master to preside at all meetings of the Grand Lodge, which is derived from it, is an inherent right, of which no constitutional provision can deprive him. From this prerogative is also derived the principle that the Grand Master may assume the chair of any private Lodge in which he may be present, and govern the Lodge as its Master. He is also, by virtue of the same prerogative, the chairman of every committee of the Grand Lodge which he may choose to attend. He is, in brief, the head

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* Thus, "Prince Edwin summoned all the Masons in the realm to meet him in a congregation at York."—ANDERSON, first edit., p. 32. On the occasion of Wharton's irregularities in 1722, Montagu, G. M., "summoned the Grand Lodge to meet, 17th January."—*Ibid*, second edit. p. 114. Carysfort, G. M., in 1754, "signified his pleasure that the day for the Grand Feast and election should be the 25th of March, instant, and kept at Drapers' Hall."—*Ibid*, third edit., p. 270. But a volume of such precedents might be cited. The eighteenth of the Regulations of 1721 distinctly recognizes the prerogative.—See *ante* p. 71.

† See *ante* Landmark 5, p. 21.

of the craft in his own jurisdiction, and cannot, at any meeting of the fraternity for Masonic purposes, be placed, without his consent, in a subordinate position.

3. Concomitant with this prerogative of presiding in any Lodge, is that of visitation. This is not simply the right of visit, which every Master Mason in good standing possesses, and of which I have already spoken in a preceding part of this work, but it is a prerogative of a more important nature, and which has received the distinctive appellation of the *right of visitation.* It is the right to enter any Lodge, to inspect its proceedings, to take a part in its business transactions, and to correct its errors.* The right is specifically recognized in the Regulations of 1721, but it is also an inherent prerogative; for the Grand Master is, *virtute officii,* the head of the whole fraternity, and is not only entitled, but bound, in the faithful discharge of his duty, to superintend the transactions of the craft, and to interfere in all congregations of Masons to prevent the commission of wrong, and to see that the Landmarks and usages of antiquity, and the Constitutions and laws of the Grand Lodge, and of every Lodge in the jurisdiction, are preserved and obeyed. The Regulations of 1721 prescribe that when the Grand Master makes such a visitation, the Grand Wardens are to attend him, and act as Wardens of the Lodge while he presides. This Regulation, however, rather refers to the rights of the Grand

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* See Regulations of 1721, art. 1.

Wardens than to the prerogative of the Grand Master, whose right to make an official visitation to any Lodge is an inherent one, not to be limited or directed by any comparatively modern Regulation.

4. The right of appointment is another prerogative of the Grand Master. By the old usages—for I find no written law upon the subject—the Grand Master appointed the Deputy Grand Master, who is hence always styled "his Deputy." The Regulations of 1721 also gave him the nomination of the Grand Wardens, who were then to be installed, if the nomination was unanimously approved by the Grand Lodge, but if not, an election was to be held. The Grand Secretary, at the first establishment of the office in 1723, was elected by the Grand Lodge, but all subsequent appointments were made by the Grand Master. The Grand Treasurer was, however, always an elective office.

In England, under its present Constitution, the Grand Master appoints all the officers of the Grand Lodge, except the Grand Treasurer. In America, the prerogative of appointment, which was vested by ancient usage in the Grand Master, has been greatly abridged, and is now restricted to the nomination of some of the subordinate officers of the Grand Lodge. The Deputy, the Wardens, the Treasurer and Secretary are now elected by the Grand Lodge. In view of the fact that none of the officers of the Grand Lodge, except the Grand Master, owe their existence to a Landmark, but are all the creatures of regulations, adopted from time to time, and in view, too, of the other important fact that regulations on the subject were continually changing, so that we find an officer at one time appointed, and at another time elected, I am constrained to believe that the right of appointment is one of the few prerogatives of the Grand Master, which is not inherent in his office, but which is subject to the regulation of the Grand Lodge.

5. The Twelfth Regulation of 1721 gave the Grand Master the prerogative of casting two votes in all questions before the Grand Lodge. The words of the Regulation are, it is true, very explicit, and would seem to leave no doubt upon its face; and yet I am scarcely inclined to believe that under all circumstances that officer was permitted to vote twice, while every other member voted but once. Contemporaneous exposition, however, supplies no aid in the interpretation of the law; for I have looked in vain through the earlier editions of the Book of Constitutions for any further reference to the subject. The modern Grand Lodge of England retains the very words of the Old Regulations; but in this country, where it has principally been preserved by usage, it is so interpreted as that the Grand Master gives his second vote only in the case of a tie, and this, I suspect, was the object of the original law.

6. I come now to one of the most important prerogatives of a Grand Master, that, namely, of granting dispensations. A dispensation may be defined

to be "the granting of a license, or the license itself, to do what is forbidden by laws or regulation, or to omit something which is commanded; that is, the dispensing with a law or regulation, or the exemption of a particular person from the obligation to comply with its injunctions."* This power to dispense with the provisions of law in particular cases appears to be inherent in the Grand Master, because, although frequently referred to in the Old Regulations, it always is as if it were a power already in existence, and never by way of a new grant. There is no record of any Masonic statute or constitutional provision conferring this prerogative in distinct words. The instances, however, in which this prerogative may be exercised are clearly enumerated in various places of the Old Constitutions, so that there can be no difficulty in understanding to what extent the prerogative extends.

Thus, one of the Regulations of 1721 prescribes that "no Lodge shall make more than five new brethren at one time;"† but the Grand Master may grant his dispensation to authorize any Lodge on a particular occasion to go beyond this number.

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* This is the definition of WEBSTER, except that the word "regulation' has been substituted for "canon." DU CANGE (*Glossarium*) defines a dispensation to be a prudent relaxation of a general law. *Provida juris communis relaxatio.* While showing how much the ancient ecclesiastical authorities were opposed to the granting of dispensations, since they preferred to pardon the offense after the law had been violated, rather than to giv a previous license for its violation, he adds, "but however much the Roman Pontiffs and most pious Bishops felt of reverence for the ancient Regulations they were often compelled to depart in some measure from them, for the utility of the church; and this milder method of acting, the jurists called a dispensation."

† Regulations of 1721, art. iv.

Again, in another Regulation it is enacted that "no man can be made or admitted a member of a particular Lodge without previous notice one month before;"* but here the Grand Master may interfere with his dispensing power, and permit a candidate to be made without such previous notice.

Another Regulation prescribes that "no set or number of brethren shall withdraw or separate themselves from the Lodge in which they were made brethren, or were afterwards admitted members, unless the Lodge becomes too numerous, nor even then, without a dispensation."† But this Regulation has long since become obsolete, and Masons now demit from their Lodges without the necessity of asking a dispensation. In fact, as the law is no longer in force, no authority is needed to dispense with its injunctions.

The Twelfth Regulation of 1721 prescribes that none but members of the Grand Lodge shall be permitted to be present at its quarterly communications, except by dispensation. The Grand Master is thus authorized to set aside the provisions of the law for the benefit of a particular individual, and this right of the Grand Master to admit strangers as visitors in the Grand Lodge is still recognized as one of his prerogatives.

Besides these particular instances of the exercise of the dispensing power which are referred to in the Old Regulations, there are many others which arise from the nature of the prerogative, and which have been sanctioned by immemorial usage.

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* Regulations of 1721, art. v.

† *Ibid.* art. viii., *ante* p. 67.

Thus, when a Lodge has neglected to elect its officers at the constitutional time of election, or having elected them, has failed to proceed to installation, the Grand Master may, on application, issue his dispensation, authorizing the election or installation to take place at some time subsequent to the constitutional period. And without such dispensation, no election or installation could take place; but the old officers would have to continue in office until the next regular time of election, for no Lodge can perform any act at any other time, or in any other mode, except that which is provided by its by-laws, or the Regulations of the Grand Lodge, unless in a particular case a dispensation is granted to set aside for the time the provisions of the law.

Again: although no one can serve as Master of a Lodge, unless he has previously acted as a Warden, yet in particular cases, as in the organization of a new Lodge, or when, in an old Lodge, no one who has been a Warden is willing to serve as Master, the Grand Master may grant his dispensation, empowering the members to elect a Master from the floor.

But as it is a principle of the law that the benignity of the Grand Master must not affect the rights of third parties, no dispensation can issue for the election from the floor, if there be a Warden or Past Warden who is willing to serve; for eligibility to the chair is one of the prerogatives which arises from having served in the office of Warden, and a dispensation cannot set aside a prerogative.

By the operation of the same equitable principle, the Grand Master is prohibited from issuing a dispensation to authorize the initiation of a person who has been rejected by a Lodge; for it is the inherent right of a Lodge to judge of the fitness of its own members, and the Grand Master cannot, by the exercise of his dispensing power, interfere with this inherent right.

7. Analogous to this dispensing power is the prerogative which the Grand Master possesses of authorizing Masons to congregate together and form a Lodge. According to the Regulations of 1721, and the modern Constitutions of England, the Grand Master has the power to grant warrants for the permanent establishment of Lodges, by warrant of constitution. But in this country this prerogative has not, for many years, been exercised by Grand Masters, who only grant their authority for the holding of Lodges temporarily, until the next communication of the Grand Lodge. Hence, as no Lodge can be legally held, except under a warrant of constitution, granted by a Grand Lodge, when the Grand Master permits such an assemblage, he suspends for a time the operation of the law; and for this reason the document issued by him for this purpose is very appropriately called a dispensation, for it is simply a permission or license granted to

certain brethren to dispense with the law requiring a warrant, and to meet and work masonically without such an instrument.

8. Consequent upon and intimately connected with this dispensing power is that much contested prerogative of the Grand Master to make Masons at sight. I know of no principle of Masonic law which has given rise to a greater diversity of opinions, or more elaborate argument on both sides, than this. While the Grand Lodges or the Committees of Foreign Correspondence of Indiana, Kentucky, Maryland, Mississippi, New Hampshire, New York, North and South Carolina, Vermont and Wisconsin, clearly admit the prerogative, those of California, Louisiana, Massachusetts, Missouri and Tennessee, as positively deny it, while Florida and Texas recognize its existence only under limited modifications. The weight of authority is certainly on the side of the prerogative. I think that it can readily be proved that ancient usage, as well as the natural deductions from the law, equally support it.

It has always appeared to me that much of the controversy was, after all, rather a dispute about words than about things. The words "making Masons at sight" are not to be found in any of the Constitutions or records of the legitimate Grand Lodge of England. They were first used by that schismatic body known in history as the Athol Grand Lodge, and are to be found in its authorized Book of Constitutions, the "Ahiman Rezon" of

Laurence Dermott.[*] The "moderns," as they were called, or the regular body, always spoke of "making Masons in an occasional Lodge," and these words continually occur in the second edition of the Book of Constitutions, published by Dr. Anderson, and in all the subsequent editions compiled by other editors. Thus we find that in 1731, "Grand Master Lovel formed an *occasional Lodge* at Sir Robert Walpole's house of Houghton Hall, in Norfolk, and made Brother Lorrain and Brother Thomas Pelham, Duke of Newcastle, Master Masons."[†]

Again, "on the 16th of February, 1766, an *occasional Lodge* was held at the Horn Tavern, in New Palace Yard,[‡] by the Right Hon. Lord Blaney, Grand Master. His Royal Highness William Henry, Duke of Gloucester, was in the usual manner introduced and made an Entered Apprentice, passed a Fellow Craft, and raised to the degree of a Master Mason."[§]

And again, "on February 9, 1767, an *occasional Lodge* was held at the Thatched House Tavern, in St. James Street, by Col. John Salter, Deputy Grand Master, as Grand Master, and his Royal Highness Henry Frederick, Duke of Cumberland, was, in the usual manner, introduced and made an Entered Apprentice, passed a Fellow Craft, and raised to the degree of a Master Mason."*

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[*] The language of DERMOTT is as follows: "The Right Worshipful Grand Master has full power and authority to make (or cause to be made in his Worship's presence) Free and Accepted Masons at sight, and such making is good."—DERMOTT'S *Ahim. Rez.* third edit. 1778, p. 72.

[†] Book of Constitutions, second edit. p. 129.

[‡] The regular place of meeting of the Grand Lodge at that time was at the Crown-and-Anchor in the Strand.

[§] Book of Constitutions, third edit. p. 313.

Now, in all of these cases the candidates were made by the Grand Master, without previous notice, and not in a regular Lodge; and this is what I suppose to be really meant by making Masons at sight. Dermott adopted this phraseology, but Anderson and his successors called it "making Masons in an occasional Lodge." The two expressions mean exactly the same thing.

Now, by way of illustrating this theory, let it be supposed that the Grand Master of a certain jurisdiction is desirous of making a Mason at sight, or in an occasional Lodge. How is he to exercise this prerogative? Why, he summons not less than six Master Masons to his assistance, himself making the seventh, which number is necessary to form a perfect Lodge. They meet together, and he grants his dispensation, (which is virtually done by his presence) permitting a Lodge to be opened and held. The candidate upon whom the Grand Master intends to exercise his prerogative, applies for initiation, and the Grand Master having dispensed with the Regulation which requires the petition to lie over for one month, the Lodge proceeds to confer the first and second degrees, the Grand Master being in the chair. On the following evening, the same brethren again meet, and the candidate receives the third degree, the Grand Master occupying the chair as before.

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* Book of Constitutions, third edition, p. 319. Salter was at that time exercising the prerogatives of Grand Master, because Lord Blaney was out of the jurisdiction, being in Ireland.—See PRESTON, p. 228.

The Lodge having accomplished all that was required of it, the Grand Master ceases to exercise his dispensing power—which he is of course at liberty to do, for his dispensation, like the king's writ, is granted *durante bene placito*, during his good pleasure—and the Lodge is dissolved. But the making of the candidate is good; nor do I see how it can be denied, for certainly if the Grand Master can authorize A, B and C to make Masons by dispensation—and this no one doubts—then surely he can exercise the same functions which he has the power of delegating to others.

And this I suppose to be all that is meant by the prerogative of the Grand Master to make Masons at sight. It is the necessary result of, and indeed is the same thing in a modified form, as his prerogative to open Lodges by dispensations granted to others.

But in exercising this important prerogative, the Grand Master must be governed by all those principles which would apply to the initiation of candidates in an ordinary Lodge under dispensation, for although he may dispense with the provisions of a Regulation, he cannot dispense with the Landmarks. The candidate must be possessed of all the requisite qualifications, nor can the Grand Master interfere with any Lodge by making a candidate who has been rejected; for he cannot exercise any of his prerogatives to the injury of other parties.

Another important prerogative of the Grand Master is that of arresting the charter of a subordinate Lodge. *To arrest the charter*, is a technical phrase, by which is meant to suspend the work of a Lodge—to prevent it from holding its usual communications, and to forbid it to transact any business, or to do any work. A Grand Master cannot revoke the warrant of a Lodge ; for this, as I have already shown, is the peculiar prerogative of the Grand Lodge. But if, in his opinion, the good of Masonry, or any other sufficient cause requires it, he may suspend the operation of the warrant until the next communication of the Grand Lodge, which body is alone competent to revise or approve of his action. But this prerogative of the Grand Master, as it deprives a Lodge of its activity and usefulness for a period of some duration, and inflicts some portion of disgrace upon the body which has subjected itself to such discipline, should be exercised with the utmost caution and reluctance.

The doctrine of the right of appeal has been so fully discussed in a former part of this work, that it is scarcely necessary to say more on this subject than that it is held to be the settled law of Masonry, at this time, that an appeal cannot be taken from the decision of the Grand Master to the Grand Lodge. The Committee of Foreign Correspondence of the Grand Lodge of New York, in 1852, expressed views on this subject with which I so heartily concur, that I readily borrow their language: "We think," they say, "that no appeal lies from his decision, because he is, in his official position, required, like the Master in his Lodge, to see that the Constitutions and laws of Masonry are faithfully observed. He cannot do this if his opinion or decision may be instantly set aside by an appeal to that majority, which is about to violate them. In such case also he may close the Lodge to prevent the violation; so that calm reason teaches us that there is no other just rule in the matter than that of the supremacy and inviolability of presiding officers."

I know that a few Grand Lodges, or rather their Committees of Correspondence, have censured views like these, and declare them to be investing a Grand Master with what they call "the one man power." It may be so; and in like manner the undisputed power of the Worshipful Master over his Lodge may receive a similar designation. And yet it is, in a great measure, to this power beyond appeal, to the responsibility which it entails, and to the great caution which it necessarily begets, that we must attribute much of the harmony and stability which have always characterized the Order.

Should the Grand Master ever abuse this great power, and by unjust or incorrect decisions endanger the prosperity of the institution, the conservative principle of an annual election will afford a competent check, and the evil of an oppressive or an ignorant presiding officer can readily be cured by his displacement at the constitutional period, and in the constitutional way.

The last subject to be discussed in reference to the office of Grand Master, is the question of succession. In case of the death or absence of the Grand Master, who succeeds to his office?

There never has been any doubt that in case of the death or absence from the jurisdiction of the Grand Master, the Deputy succeeds to the office, for this seems to have been the only object of his appointment. The only mooted point is as to the successor, in the absence of both.

The Fourteenth Regulation of 1721 had prescribed, that if the Grand Master and his Deputy should both be absent from the Grand Lodge, the functions of Grand Master shall be vested in "the present Master of a Lodge that has been the longest a Freemason," unless there be a Past Grand Master or Past Deputy present. But this was found to be an infringement on the prerogatives of the Grand Wardens, and accordingly a new Regulation appeared in the second edition of the Book of Constitutions, which prescribed that the order of succession should be as follows: the Deputy, a Past Grand Master, a Past Deputy Grand Master, the Senior, and then the Junior Grand Warden, the oldest former Grand Warden present, and lastly, the oldest Freemason who is the Master of a Lodge.

But this order of succession does not appear to be strictly in accordance with the representative character of the Grand Lodge, since Past Grand officers, who are not by inherent right members of the Grand Lodge, should not be permitted to take precedence of the actual members and representatives. Accordingly, in this country, the Regulation has in general been modified, and here the Deputy succeeds the Grand Master, and after him the Wardens, in order of their rank, and then the Master of the oldest Lodge present, Grand officers being entirely excluded.

The duties and prerogatives to which these officers succeed, in case of the absence of the Grand Master from any communication, are simply those of a presiding officer, although of course they are for the time invested with all the rights which are exercised by the Grand Master in that capacity. But if the Grand Master be within the limits of the jurisdiction, although absent from the Grand Lodge, all their temporary functions cease as soon as the Grand Lodge is closed.

If, however, the Grand Master is absent from the jurisdiction, or has demised, then these officers, in the order already stated, succeed to the Grand Mastership, and exercise all the prerogatives of the office until his return, or, in the case of his death, until the next communication of the Grand Lodge.

SECTION II.

THE DEPUTY GRAND MASTER.

The office of Deputy Grand Master is neither so important nor so ancient as that of Grand Master, and seems originally to have been established for the purpose of relieving the latter officer of much of the labor which the proper discharge of his duties would demand. Hence, in the first four years of the history of the Order, after the reorganization of the Grand Lodge, in the beginning of the last century, while the chair was occupied by Commoners, there was no Deputy; and it was not until the election of the Duke of Montagu, as Grand Master, in 1721, that the appointment was made.* The Sixteenth of the Regulations, adopted in that year, very distinctly shows that the object of the creation of the office of Deputy was, that that officer should relieve the Grand Master from the inconvenience of attending to the details of business.† Nor does that officer appear, from anything that we find in the old Constitutions, to have exercised or possessed any other prerogatives than those which he claimed in the Grand Master's right, whose assistant he was. The usage in this country generally still continues to assign to him that subordinate position; and, except in a few jurisdictions, where additional powers have been specially granted by constitutional enactment, he exercises the prerogative of presiding over the craft only in the absence of the Grand Master from the jurisdiction, while during his presence he simply assists him with his counsel and advice.

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* December 27, 1720, the Regulation was adopted, that in future the new Grand Master shall have the sole power of appointing a Deputy Grand Master, "now proved," says ANDERSON, "as necessary as formerly, according to ancient custom, when noble brothers were Grand Masters."—*Book of Const.* second edit. p. 111. In the historical statement made by ANDERSON, I place no confidence, for Prince Edwin had no Deputy; but he evidently assigns the true reason for the modern appointment, that noblemen might be relieved of the burdens of a laborious office.

† "The Grand Wardens or any others are first to advise with the Deputy about the affairs of the Lodge, or of the brethren, and not to apply to the Grand Master, without the knowledge of the Deputy, unless he refuse his concurrence in any certain necessary affair."—*Reg.* of 1721, art. xvi. And again: "The Grand Master should receive no intimation of business concerning Masonry, but from his Deputy first, except in such cases as his Worship can well judge of."—*Ibid.*

To this, however, there are exceptions, and the Deputy is in some States invested with the prerogative of establishing Lodges and of granting dispensations.* Such powers are not derived from either the ancient usages or Constitutions, and the Regulations conferring them must be considered as wholly of a local nature; and in so far as they interfere with the exclusive inherent prerogatives of the Grand Master, I cannot but believe them to be inexpedient and unconstitutional. By the ancient Landmarks of Masonry, the dispensing power could be exercised only by the Grand Master, and to confer it on others is to divest him of his prerogative, which it is clearly not in the power of any Grand Lodge to do.

The Provincial Grand Master is an officer known only to the English Constitutions. The first appointment of one recorded in the Book of Constitutions is that of Bro. Winter, as Provincial Grand

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* Thus, in Ohio, he grants dispensations, and in New York, in addition to this prerogative, suspends warrants, visits Lodges, and exercises many other rights which the Old Constitutions had confined to the Grand Master.

Master of East India, which was made in 1730, by the Duke of Norfolk. The modern Constitutions of England invest him with powers in his own province very similar to those of the Grand Master, to whom, however, or to the Grand Lodge, an appeal always lies from his decisions.

In this country the office of District Deputy Grand Master appears to have taken the place, in many jurisdictions, of the English Provincial Grand Masters; but as the office has been created by a special enactment in every case, the Regulations which refer to it must be considered as strictly local in their character. Hence the duties and prerogatives of these officers widely differ in different jurisdictions, and a consideration of them can find no place in a treatise on the general principles of Masonic law. Individually, I confess that I am opposed to the creation of the office, as infringing on the simplicity of the Masonic system of government, although it cannot be denied that a Grand Lodge has the right to create such an office, so long as the powers conferred on the officer do not affect the inherent prerogatives of the Grand Master; with which, of course, no modern Constitutions can interfere.

In England, the Deputy Grand Master has always been appointed by the Grand Master. The same rule has been followed by a few Grand Lodges in this country; but the more general custom is for the Grand Lodge to elect him.

SECTION III.

THE GRAND WARDENS.

Next in dignity to the Deputy come the Senior and Junior Grand Wardens. These two officers are, however, although subordinate in rank, of much more importance than the Deputy, in the working of the Order, and are possessed of some prerogatives which do not belong to him. Their duties do not very materially differ from those of the corresponding officers in a subordinate Lodge, although of course, from their more exalted position, their powers are more extensive.

In this country, by universal consent, the Wardens succeed to the government of the craft in order of rank, upon the death or absence from the jurisdiction of the Grand and Deputy Grand Masters. But the subject of the succession to the chair has already been considered in a preceding section.

The first of the Regulations of 1721 had prescribed that the Grand Master, in his official visitation to a subordinate Lodge, "might command the Wardens of that Lodge, or any other Master Masons, to act there as his Wardens, *pro tempore;*" but as this was found to be an interference with the rights of the Grand Wardens, the Regulation was soon after explained as only being applicable to cases where they were absent; for it was declared that the Grand Master cannot deprive them of their office without showing cause, so that if they are present in a particular Lodge with the Grand Master, they must, if he presides, act as Wardens. And accordingly, this has ever since been considered as one of their prerogatives.

As in a subordinate Lodge, so in the Grand Lodge, the Junior Grand Warden does not occupy the west in the absence of the Senior Grand Warden. The two offices are entirely distinct; and the Junior Grand Warden having been elected and installed to preside in the south, can leave that station only for the east, in the absence of all his superiors. A vacancy in the west must be supplied by temporary appointment.

On the same principle, the Senior Grand Warden cannot supply the place of the absent Deputy Grand Master. In fact, in the absence from the Grand Lodge of the Deputy, it is scarcely necessary that his office should be filled by the temporary appointment of any person; for, in the presence of the Grand Master, the Deputy has no duties to perform.

The old Charges of 1722 required that no one could be a Grand Warden until he had been the Master of a Lodge.* The rule still continues in force, either by the specific regulation of modern Grand Lodges, or by the force of usage, which is the best interpreter of law.

By the Regulations of 1721, the Grand Master possessed the power of nominating the Grand Wardens; but if his nomination was not unanimously approved, the Grand Lodge proceeded to an election, so that really the choice of these officers was vested in the Grand Lodge. By the universal usage of the present day, the power of nomination is not exercised by Grand Masters, and the Grand Wardens are always elected.

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* The Sixteenth Regulation of 1721 prohibited a Grand Warden from acting as the Master of a Lodge; but this rule seems now to be obsolete, although I have no doubt that the dignity of the office would be consulted by its enforcement.

SECTION IV.

THE GRAND TREASURER.

The office of Grand Treasurer was provided for in the Regulations approved in 1722, and it was then prescribed that he should be "a brother of good worldly substance, who should be a member of the Grand Lodge, by virtue of his office, and should be always present, and have power to move to the Grand Lodge anything, especially what concerns his office."* Again, in 1724, on the organization of the Committee of Charity of the Grand Lodge, it was enacted that a Treasurer should be appointed, in whose hands the amounts collected might be deposited. But it was not until the year 1727 that the office was really filled by the selection of Nathaniel Blakerby.† Even then, however, the office does not appear to have been considered by the Grand Lodge as a distinct appointment, but rather as one which any responsible brother might fill, in addition to his other duties; for the Treasurer, Blakerby, was in the next year appointed Deputy Grand Master, and discharged the functions of both offices at the same time;* and when he resigned the office, the appointment was given to the Grand Secretary, who, during Blakerby's administration, had sometimes performed his duties; but at length, in 1738, Bro. Revis, the Grand Secretary, declined the office, very properly assigning as a reason "that both those offices should not be reposed in one man, the one being a check to the other."† So that it was not until the year 1739 that, by the appointment of Bro. John Jesse,‡ as Grand Treasurer, the office assumed a distinct and separate position among the offices of the Grand Lodge, which it has ever since retained.

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* ANDERSON, first edit. p. 62.—*Reg.* of 1721, art. xiii.

† *Ibid*, second edit. p. 179.

The Thirteenth Regulation of 1721 had certainly, by a just construction of its language, made the office of Grand Treasurer an elective one by the Grand Lodge;§ but notwithstanding this, both Blakerby and Jesse were appointed by the Grand Master, the latter, however, at the unanimous request of the Grand Lodge. But ever since, the office of Grand Treasurer has been made an elective one.‖

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* Thus: "At the Grand Lodge, in due form, on 27th Dec., 1729, D. G. M. BLAKERBY, the Treasurer, in the chair, had the honor to thank many officers of Lodges for bringing their liberal charity."—ANDER., second edit. p. 179.

† *Ibid*, p. 184.

‡ Book of Const. third edit. p. 226.

§ "They [the Grand Lodge] shall also appoint a Treasurer."—*Reg.* 1721 art. xiii.

‖ Revis was appointed by both the Grand Master and the Grand Lodge

The functions of the Grand Treasurer do not differ from those of the corresponding officer in a subordinate Lodge. It is his duty to act as the depositary of all the funds and property of the Grand Lodge, to keep a fair account of the same, and render a statement of the condition of all the property in his possession, whenever called upon by either the Grand Master or the Grand Lodge. He also pays all bills and orders which have been approved by the Grand Lodge. He is, in one word, under such regulations as that body shall prescribe, the banker of that body.*

The old Regulations permitted him to appoint an assistant, whose only qualification was, that he must be a Master Mason. But such assistant did not, by his appointment, become a member of the Grand Lodge, although permitted to be present at its communications. The usage has been continued in many of the Grand Lodges of this country.

SECTION V.

THE GRAND SECRETARY.

The Regulations of 1721 had described the duties to be performed by the Grand Secretary;† but from

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perhaps by the appointment of the one, and with the consent and approbation of the other.—ANDER., second edit. p. 138.

* His duties are very fully defined in the Regulations of 1721, art. xiii., see *ante* p. 70.

† "There shall be a book kept by the Grand Master, or his Deputy, or rather by some brother whom the Grand Lodge shall appoint for Secretary." —*Reg.* 1721, art. xiii.

the organization of the Grand Lodge in 1717, to the year 1723, no such officer had been appointed. In the last mentioned year, however, Bro. William Cowper was chosen by the Grand Lodge. The office was therefore first an elective one, but Anderson, in his edition of 1738, says that "ever since, the new Grand Master, upon his commencement, appoints the Secretary, or continues him by returning him the books."* This usage is still pursued by the modern Grand Lodge of England; but in every jurisdiction of this country, the office of Grand Secretary is an elective one.

The functions, the discharge of which is intrusted to the Grand Secretary, are of the most important nature, and require no ordinary amount of talent. It is his duty to record all the proceedings of the Grand Lodge with the utmost fidelity and exactness. He is also the official organ of the Grand Lodge, and in that capacity conducts its correspondence. He is, besides, the recipient of the returns and dues of Lodges, which amounts he pays over to the Grand Treasurer, so that each of these officers acts as a check upon the other.

The Grand Secretary is also in this country the keeper of the seal of the Grand Lodge, which he affixes to all documents that require it. His signature is considered as essential to the validity of any document which emanates from the Grand Lodge.†

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* ANDERSON, second edit. p. 161.

† The duties which in other countries are divided among several officers, are in America concentrated in the Grand Secretary, who is hence a much

Like the Grand Treasurer, he was permitted by the old Regulations to appoint an assistant, who did not, however, by such appointment, become a member of the Grand Lodge. The Regulation is still in force in several of the American jurisdictions.

SECTION VI.

THE GRAND CHAPLAIN.

This is an office of very modern date. No allusion to such an officer is to be found in any of the old Constitutions, and Preston informs us that it was instituted on the 1st of May, 1775, on the occasion of the laying of the corner stone of the Freemasons' Hall in London.* A sense of propriety has, however, notwithstanding its want of antiquity, since caused this office to be universally recognized by the Grand Lodges of this country, some of whom have increased the number of Grand Chaplains from one to several.

The duties of the Grand Chaplain are confined to offering up prayer at the communications of the Grand Lodge, and conducting its devotional exercises on public occasions.

He is, by virtue of his office, a member of the Grand Lodge, and entitled to a seat and a vote. The only qualifications generally required appear to

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more important officer than he is in Europe. Thus, by the modern Constitutions of England the Grand Registrar superintends the records, and is the custodian of the seal.

* PRESTON, p. 237, OLIVER's edit.

be that he should be a Master Mason, in good standing in his Lodge, and a recognized clergyman of some religious denomination.

SECTION VII.

THE GRAND LECTURER.

The office of Grand Lecturer is one of great importance ; perhaps there is none so important in the whole series of offices which constitute the controlling element of a Grand Lodge. He is the recognized teacher of the Masonic system, and it is by his faithful instructions alone that unity can be maintained in the methods of communicating our ritual.

"This unity," says a distinguished Mason, Bro. Sandford, of Iowa, "makes the world a Mason's home, and raising him high above geographical divisions and the obstacles of language and religion, secures him protection and repose wherever fate or fortune may direct his steps. Without it, our grand fabric of universal benevolence, which has withstood the storms of numerous centuries, would be shattered to atoms in a single age."

I presume that it will be admitted by every intelligent Mason, that Bro. Sandford has not placed too high an estimate on the importance of a uniformity of work. If Masonry contain within itself anything worthy of the study of intellectual men—if our theories of its antiquity be not fallacious—if our legends and ceremonies and symbols are not, as one class of our opponents have declared them to be, the puerile amusements of a past age of dreamers—then surely it is the bounden duty of the supreme head of the Order, in every jurisdiction, to preserve those legends and ceremonies and symbols as pure and unsullied by error and innovation as they were when received. It is a part of the covenant into which we have all entered, and to which we are all bound by the most solemn obligations, to preserve the ancient Landmarks which have been intrusted to our care, and never to suffer them to be infringed, or to countenance a deviation from the established usages and customs of the fraternity.

This, it appears to me, is the most prominent and especial duty of a Grand Lodge. It is the conservator of the Order in its own jurisdiction, and is expected by all the sanctions of justice and reason to hand down to its successors the rites and ceremonies of the institution, as it received them from its predecessors. Unless it does this, it is recreant to its trust. It may dispense charity—it may endow colleges—it may decide disputes—it may invent financial systems, or legislate for general purposes—but unless it shall take constant and careful precautions for preserving the ancient Landmarks, and disseminating among the craft a uniformity of work and lectures, according to the true system, it will be neglecting the principal design of its organization, and will become a "cruel" instead of a "gentle mother" to its children. Under an administration which shall totally abandon all supervision of the ritual, and devise no means of teaching it, the very identity of Masonry would soon altogether be extinguished, and Lodges would speedily degenerate into social clubs.

Now, the only method by which this ritual can be efficiently supervised and taught, so that a uniformity of work may be preserved, and every Mason in the jurisdiction be made acquainted with the true nature of the science of Masonry, is by the appointment of a competent and permanent Grand Lecturer.

The appointment of this officer should be a permanent one. In this advanced age of Masonic improvement, any attempt to appoint a Grand Lecturer by the year, as we hire domestics, or employ laborers, is an insult to the intelligence of the Order. When an able teacher is found, he should hold his office, not for a year, or during the pleasure of the Grand Master or the Grand Lodge, but like the judicial tenure of our Supreme Court, or the English Judges—*dum se bene gesserit*—during good behavior. Let him continue for life, if he is "worthy and well qualified;" for, the longer a good teacher labors in his vocation, the better will he discharge its duties. But any attempt to intrust the duty of instructing Lodges to a temporary Lecturer, changed, like the Wardens or the Deacons, every year, must inevitably result in the utter destruction of all that remains to us of the ancient symmetry of our beautiful temple.

Equally injurious is it to divide a jurisdiction between several Lecturers, each independent of the others, each teaching a different system, and all perhaps ignorant of the true one. To suppose that by the simple appointment of the presiding officer, some half a dozen District Deputies or Inspectors can be qualified to instruct the Lodges placed under their control in the arcana of Masonry, would be farcical, were it not so pregnant with danger to the safety and preservation of our Landmarks. The attempt has been made in one or two jurisdictions, and most signally failed. Its necessary consequence is a destruction of all uniformity, and a degradation of Masonic science to a mere system of quackery.

But not only should the authority of the Grand Lecturer as a Masonic teacher be sovereign and undivided in his jurisdiction, and the tenure of his office permanent, so that the craft may not be annually subjected to changes in the form and substance of the instruction that they receive, but, above all, he should be fully competent, by previous study, to discharge the duties of his high calling.

No man can be qualified as a Grand Lecturer unless he has devoted his time, his talent, and his labor to the arduous, though pleasant, task of Masonic study. The old Romans had a proverb that a Mercury could not be made out of any kind of wood, and neither can a Grand Lecturer be manufactured out of any kind of Mason. A Masonic teacher requires qualifications of the highest character. A profound knowledge of the ritual is, of course, essential; and this alone is to be acquired only after the most laborious study, aided by the adventitious assistance of an excellent and retentive memory. But to this must be added, if we would give dignity to the office, or confer a benefit on the pupils whom he is to teach, an education above the common standard, a cultivated intellect, an acquaintance with that ancient language from whose records our system is derived, a familiarity with history and antiquities, and an extent of reading and power of mind which will enable him to trace the symbolism of our Order through all its progress, from the ancient priesthood of Egypt, the mysteries of Greece and Asia, and the kabbala of Palestine.

It may be said that the standard is here placed too high, and that few will be found to reach it. Better, then, would it be to do without a Lecturer than to have an incompetent one ; and I know of no less amount of learning that would make a Masonic teacher, such as a Masonic teacher should be. But moreover, by placing the standard of qualifications high, intellectual men would be found to work up to it ; while, by placing it lower, ignorant men would readily avail themselves of the privileges that so low a standard would present. The " consummation devoutly to be wished" in Masonry is, that none but learned men should become Masonic teachers.

The old Constitutions do not recognize the office of Grand Lecturer under that name ; but it has always existed, and its duties were performed in the eighteenth century by some of the most learned men of the order. Anderson, Desaguliers, Martin Clare, Hutchinson and Preston, were all, in the strict sense of the word, Grand Lecturers, and discharged the duties of the office with great benefit to the craft.

SECTION VIII.

THE GRAND DEACONS.

The office of Grand Deacon is of more modern origin than that of any other officer in the Grand Lodge. I can find no reference to it in any of the old Regulations, in Anderson, or any subsequent edition of the Book of Constitutions, in Preston's Illustrations, or in Lawrie's History. By the Regulations of 1721, the duties of the Grand Deacons seem to have been divided between the Grand Wardens and the Stewards; nor is a place appropriated in any of the processions described in the various works already cited. They are first found in a procession which took place in 1831, recorded by Oliver, in his Continuation of Preston's History. But they have since been placed among the officers of the Grand Lodge in the Constitutions of England, Scotland and Ireland.

In America, the office has an older date; for Grand Deacons are recorded as being present in a procession of the Grand Lodge of Pennsylvania, in 1783, the account of which is to be found in Smith's "Ahiman Rezon." They are also mentioned among the officers of the Grand Lodge in the Constitution adopted in 1797 by the Grand Lodge of North Carolina. I know not whence the anomaly arose of these officers existing in Grand Lodges of America in the eighteenth century, while they are not to be found in those of Great Britain until late in the nineteenth. They could scarcely have been derived from the Athol Grand Lodge, since the York Masons of South Carolina had no such officers in 1807, when Dalcho published the first edition of his "Ahiman Rezon."* Be this as it may, the office is now recognized in all the Grand Lodges of this country.†

The Grand Deacons are generally two in number, a Senior, who is usually appointed by the Grand Master, and a Junior, who receives his appointment from the Senior Grand Warden. It is their province to attend upon the Grand Master and Wardens, and to act as their proxies in the active duties of the Grand Lodge. Their duties differ but little from those of the corresponding officers in a subordinate Lodge.

SECTION IX.

THE GRAND MARSHAL.

The first allusion that I find to this office is in the second edition of the Book of Constitutions, where, under the date of 1730, a procession is described, which was closed by "Marshal Pyne, with his truncheon blew, tipt with gold." But as throughout the remainder of the book, and all the subsequent editions, the allusion is not repeated, I am led to suppose that this was simply a temporary appointment of an officer to keep order, without any reference to Masonic rank. There is no such officer in the present Grand Lodge of England, and the office is unknown in several of the American jurisdictions.

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* See DALCHO'S Ahiman Rezon, first edition, Charleston, 1807.

† It must be remarked that the office of Deacon in a subordinate Lodge is of a much older date than corresponding officers in a Grand Lodge.

The duty of the Grand Marshal in those Grand Lodges which recognize the office, is simply to arrange the processions of the Grand Lodge, and to preserve order, according to the forms prescribed.*

SECTION X.

THE GRAND PURSUIVANT.

In the science of heraldry, a Pursuivant is the lowest order of officers at arms, and is, as the title implies,† an attendant on the heralds. The office is unknown to the English Constitutions of Masonry, either ancient or modern, and appears to be peculiar to this country, where it is to be found in a large number of Grand Lodges, whose Regulations are, however, generally silent as to the nature of the functions to be discharged.

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* In those Grand Lodges which have no Grand Marshal, the duties of the office should be performed by the Grand Pursuivant.

† From the French *poursuivant*. literally *one who follows*, or an *attendant*.

The "Ahiman Rezon" of South Carolina says that his station is near the door, whence he receives all reports from the Grand Tiler, and announces the name and Masonic rank of all who desire admission, seeing that none enter without their appropriate decorations.* He combines therefore, in part, the duties of the Junior Deacon with those of a gentleman usher.

I have already said that the office is modern, as no allusion to it is to be found in any of the old Regulations. The appointment is generally vested in the Grand Master.

SECTION XI.

THE GRAND SWORD BEARER

In 1731, the Duke of Norfolk, being then Grand Master, presented to the Grand Lodge of England "the old trusty sword of Gustavus Adolphus, King of Sweden, that was worn next by his successor in war, the brave Bernard, Duke of Saxe-Weimar, with both their names on the blade, which the Grand Master had ordered Brother George Moody (the King's sword cutler) to adorn richly with the arms of Norfolk in silver on the scabbard, in order to be the Grand Master's sword of state in future."* At the following feast, Bro. Moody was appointed Sword Bearer, and the office has ever since existed, and is to be found in almost all the Grand Lodges of this country.

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* Ahim. Rez. So. Ca., p. 129, third edit. 1852.

† Anderson, second edit. p. 127. Previous to this donation the Grand Lodge had no sword of state, but used one belonging to a private Lodge. It was borne before the Grand Master by the Master of the Lodge to which it belonged, as appears from the account of the procession in 1730, as given by Anderson, p. 126, second edit.

The Grand Sword Bearer should be appointed by the Grand Master, and it is his duty to carry the sword of state immediately in front of that officer in all processions of the Grand Lodge.*

SECTION XII.

THE GRAND STEWARDS.

The history of the origin of the office of Grand Steward is very fully developed in the various editions of the Book of Constitutions, and especially in the fourth, or that published in the year 1769. Formerly it was the custom of the Grand Wardens to make the necessary arrangements for regulating and conducting the Annual Grand Feast. But to relieve these officers from this extraordinary trouble, it was ordered in 1721 that they should "take some Stewards to their assistance." No Stewards were appointed, however, until 1723, when the office was conferred on six brethren, who performed the duty of managing the Feast with such satisfaction to the Grand Lodge as to receive the thanks of the Grand Master. Six others were appointed in the following year, after which we find that no more were nominated until 1728. The appointments appear to have been at first made especially for the Annual Feast, and at the meeting of the Grand Lodge previous to it, so that as yet they could scarcely be considered as having taken the rank of permanent Grand Officers. But in 1728, it was resolved that the office should be revived, (which perhaps rather meant that it should be placed upon a permanent footing,) and that the number should be increased to twelve. In 1731, the Grand Stewards, who had been previously appointed by the Grand Master, were permitted to nominate their successors, and finally, in 1735, the Past Grand Stewards were, on petition, constituted into a Master's Lodge, to be called the "Stewards' Lodge," and to be placed as such on the registry of the Grand Lodge. This Lodge was also permitted to send a deputation to the Grand Lodge, consisting of its Master, Wardens, and nine members, each of whom was entitled to a vote. But the Stewards of the current year were not allowed to vote, or even to speak in the Grand Lodge, unless desired. The modern Constitutions of the Grand Lodge of England have increased the number of Stewards to eighteen, and continued the Grand Stewards' Lodge, which is, however, now represented only by its Master, Wardens and Past Masters. It has no power of making, passing or raising Masons, and is not entitled to a number, although it takes precedency of all the other Lodges.

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* In those Grand Lodges which have a Grand Pursuivant, but no Sword Bearer, the sword should be borne by the former officer.

All of this has been greatly simplified in this country; and the Grand Stewards, who seldom exceed two in number, are generally appointed by the Junior Grand Warden. They are possessed of no peculiar privileges. Formerly there was in New York, and still is in Maryland, a Grand Stewards' Lodge, which acts as a committee on the Masonic Hall, on the by-laws of Lodges, and on certain other matters referred to it. It consists of the Grand Officers and Past Masters from the Lodges in Baltimore, and meets during the recess of the Grand Lodge. I know of no other state in which such an organization exists.

The duty of the Grand Stewards is to attend upon the tables during the hours of refreshment, and to assist the Junior Grand Warden in managing the Grand Feast, in iurisdictions where this ancient usage is observed.

SECTION XIII.

THE GRAND TILER.

This is an office which derives its existence from the Landmarks of the Order, and must therefore have existed from the earliest times, as it is impossible that any Grand Lodge or Assembly of Masons could ever have met for purposes of Masonic business unless the room in which they were assembled had been duly tiled.

The duties of the office are so evident to every Mason as to need no explanation.

The Grand Tiler cannot, during his term of office be a member of the Grand Lodge, for his official position places it out of his power to assist in its deliberations.

He is generally appointed by the Grand Master and no other qualification is required for the offic than that of being a worthy Master Mason.

SECTION XIV.

THE COMMITTEE OF FOREIGN CORRESPONDENCE

Committees of Foreign Correspondence are bodies known only to American Masonry ; and until within a few years, so far as the efficient discharge of any duty was concerned, they appear to have been of but little value. But at the present time they occupy so important a position in the working of every Grand Lodge, that they are fully entitled to a place as an essential part of the Masonic system

The duties of a Committee of Foreign Correspondence are at this day the most important that are confided to any committee of a Grand Lodge; and what they precisely are, and how they should be performed, are matters worthy of a calm and deliberate consideration.

The Committee of the Grand Lodge of Oregon has lately objected to the usual free and independent course pursued by these bodies, because they believe, to use their own language, that " to review, overrule and reverse the decisions of Grand Masters, in cases regularly before them, and to intimate doubts of the wisdom, propriety and regularity of the decisions of Grand Lodges, upon questions carefully considered and solemnly adjudged, we cannot persuade ourselves is the course best calculated to promote harmony, facilitate the interchange of kind offices, and cement the bond of union and fraternal intercourse which should everywhere exist among Grand Lodges."*

I cannot concur in this view of the result of the labors of such a committee, nor deny to it the liberty to discharge, in the most unlimited manner, while courtesy is preserved, the duty of reviewers, and, if need be, of censurers.

The Committees on Correspondence are the links which bind the Grand Lodges into one united whole in the pursuit of knowledge; they are the guardians appointed by their respective bodies to inform their constituents what has been the progress of the institution for the past year—to warn them of the errors in discipline or in Masonic science which they may suppose to have been committed—and to suggest the best method by which these errors may be avoided or amended. The proceedings of Grand Lodges are never printed for purposes of sale, or of general distribution; the number of copies published is always small; and it is physically impossible that a knowledge of their contents can ever reach the mass of the fraternity, except through the condensed reports of foreign correspondence. These committees, therefore, perform but the duty to which they were appointed, when they report the doings and sayings of other jurisdictions; nor can they be denied the common right of expressing their opinions on the nature and tendency of the facts as they relate them. Grand Masters are not infallible, and Grand Lodges are not always correct in their decisions. If, therefore, a Committee on Correspondence should simply detail the various acts and opinions of all the Grand Bodies with which their own is in correspondence, nor make one deprecatory remark, calling attention to what they might suppose violations of laws or Landmarks, the heterogeneous and discordant doctrines which every year are presented to the Masonic world, would be placed before the fraternity without commentary, leaving the most ignorant to form their own, often erroneous, conclusions, and sometimes to confound the mere extract from a foreign opinion by the committee with an endorsement by that committee of its correctness. It is then a part of the duty of a Committee on Correspondence to review the proceedings of other jurisdictions, to point out what they suppose to be errors, and to warn their own constituency against adopting them. The Committees are, no doubt, like the bodies they are reviewing, sometimes wrong; but if the discussion of Masonic points of law are conducted temperately, calmly, judiciously, and above all fraternally, much good must arise from this contest of mind. As the collision of the flint and steel will generate fire, so truth must be elicited from the collision of varying intellects. I cannot hesitate to believe that for much of the elevated standard that the Masonry of this day and country has assumed, and for the general diffusion of knowledge on the subject of Masonic jurisprudence, the craft are indebted to the well-conducted discussions of our various Committees on Foreign Correspondence.*

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* Proc. Grand Lodge of Oregon, 1855. Rep. of Com. of For. Corresp.

Conflicting views have also been expressed on the subject of the value which is to be attached to these reports of Committees of Foreign Correspondence, and on the question whether they require to be adopted by a formal vote of the Grand Lodge to whom they are presented, or whether they are, without such vote, to be placed before the craft as matters of Masonic literature, with just so much value as their own merits, and the experience, judgment and talent of their authors bestow upon them.

These reports are generally intrusted to the ablest writer and thinker in each Grand Lodge; and when this is the case, I cannot see what additional value the opinions of such a man can receive from their adoption by a formal vote. Such adoption would indeed give to his views the force of law in that particular jurisdiction, but they would not make them sounder or more truthful, nor on the other hand would their rejection affect or impair, in the slightest degree, their influence, as matters of opinion, on the minds of the fraternity.

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* Bro. SANDFORD himself, an admirable illustration of the efficiency and usefulness of these committees, indorses the views I have expressed in the text. "An examination," says that able Mason, "of the reports which have emanated from the Committees on Foreign Correspondence of the various Grand Lodges during the past year, has disclosed an amount of labor, a degree of interest and enthusiasm, an extent and depth of research upon matters immediately pertaining to the principles and science of Masonry, which is well calculated to excite surprise and admiration. And when to this is added the literary excellence of these various productions, embracing in their range of discussion numerous illustrations from the historical and classical literature of the world, one is struck with the force of kindred association, which appears to heighten the power and beauty of expression, in proportion to the dignity and expansiveness of the ideas which call it forth."—*Proceed. G. L. of Iowa,* 1855.

The truth is, that these reports derive all their value from the character and abilities of their authors. They need no adoption by a Grand Lodge, but should be simply received as information, unless they are accompanied by resolutions upon which specific legislative action is required.*

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* These views are in accordance with those expressed in 1856 by the Committee of the Grand Lodge of California.

BOOK VI.

MASONIC
Crimes and Punishments.

Having, in the preceding Books, considered the Masonic organization in all its different aspects, as presented in the Candidate, the Mason, the Lodge and the Grand Lodge, it only remains that I should proceed to investigate the nature of the offences that may be committed against the institution, the punishments which should be inflicted for the correction of these offences, and the manner in which these punishments are to be adjudged and executed.

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CHAPTER I.

Masonic Crimes.

It is peculiar to the subject which is now about to be treated, that the division of wrongs made by the writers on municipal law, into private wrongs, or civil injuries, and public wrongs, or crimes and misdemeanors, is not admissible in, or applicable to, the system of Masonic jurisprudence. In Masonry, every offence is a crime, because, in every violation of a Masonic law, there is not only sometimes an infringement of the rights of an individual, but always, superinduced upon this, "a breach and violation of public rights and duties, which affect the whole community [of the Order], considered as a community," and this is the very definition of a crime, as given by Sir William Blackstone.*

When a Mason transgresses one of the laws of his country, he commits a wrong which, according to its enormity and the effect which it has on private or public rights, will, in the language of the municipal law, be denominated an injury, a misdemeanor, or a crime, and he will, in a well ordered state, re ceive the punishment which is due to the character of the offence that he has committed. If the injury be simply one committed against an individual, the court will look only to the amount of injury done to the individual, and will require no compensation for wrong done to the state.

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* BLACKSTONE, B. III. chap. i.

But although the tribunals of the country may have inflicted adequate punishment, so far as the offended law of the state is concerned, a Mason is still liable to further punishment from the Order, of which he is a member. And this punishment will be determined, not simply by the amount of injury done to the individual, but also on the principle that some wrong has likewise been done to the Order; for it is a settled axiom of Masonic law, that every offence which a Mason commits is an injury to the whole fraternity, if in nothing else, at least in this, that the bad conduct of a single member reflects discredit on the whole institution. And this idea appears to have been early entertained, for we find one of the articles of the old Gothic Constitutions declaring that a Mason shall harbor no thief or thief's retainer, *lest the craft should come to shame.* And again, in the same document, the Master is directed to guard his Apprentice against the commission of perjury, and all other offences, *by which the craft may be brought to shame.* The shame, therefore, that is brought upon the institution by the misdeeds of its members, is an important element to be considered in the consideration of every Masonic offence. And hence too, in view of the public injury that every Mason inflicts upon the Masonic community, when he transgresses the municipal law, we arrive at the principle that all penal offences are crimes in Masonry: That is to say, that all private wrongs to an individual are public wrongs to the Order.

There is, however, a division of Masonic offences which is well worthy of notice; for, as the civil law made a distinction between the *juris præcepta*, or precepts of the law, which were without any temporal punishment, and the *juris regulæ*, or rules of law, which were accompanied with a penalty, so the laws of Masonry may be divided into *directive precepts* and *penal regulations*, the former being accompanied with no specified punishment, and the latter always containing a penal sanction. Of the latter, no example need be at present adduced; but of the former, we will find a well known instance in the old Charges approved in 1722, where it is said that every Mason ought to belong to a Lodge, while no penalty is affixed for a violation of the precept.

The directive precepts of the Order are to be found partly in the old Constitutions and partly in the ritual, where they are constantly occurring as indications of what should be done or omitted to form the character of a true and trusty Mason. As they constitute rather the ethics than the law of Masonry, they can be considered in the present work only incidentally and so far as, in particular cases, they are connected with, or as they illustrate a penal regulation.

The first class of crimes which are laid down in the Constitutions, as rendering their perpetrators liable to Masonic jurisdiction, are offences against the moral law. "Every Mason," say the old Charges of 1722, "is obliged by his tenure to obey the moral law." Now, this moral law is not to be considered as confined to the decalogue of Moses, within which narrow limits the ecclesiastical writers technically restrain it, but rather as alluding to what is called the *lex naturæ*, or the law of nature. This law of nature has been defined by an able, but not recent writer on this subject, to be "the will of God, relating to human actions, grounded on the moral differences of things; and because discoverable by natural light, obligatory upon all mankind."* This is the "moral law," to which the old Charge already cited refers, and which it declares to be the law of Masonry. And this was wisely done, for it is evident that no law less universal could have been appropriately selected for the government of an institution whose prominent characteristic is its universality. The precepts of Jesus could not have been made obligatory on a Jew; a Christian would have denied the sanctions of the Koran; a Mohammedan must have rejected the law of Moses; and a disciple of Zoroaster would have turned from all to the teachings of his Zend Avesta. The universal law of nature, which the authors of the old Charges have properly called the moral law, because it is, as Conybeare remarks, "a perfect collection of all those moral doctrines and precepts which have a foundation in the nature and reason of things," is therefore the only law suited, in every respect, to be adopted as the Masonic code.

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* GROVE, System of Moral Philosophy, vol. ii. p. 122. London, 1749. Dr. CONYBEARE says, that "the law or religion of nature is so called, either because it is founded in the reason or nature of things; or else because it is discovered to us in the use and exercise of those faculties which we enjoy."—*Defence of Revealed Religion*, p 11.

Writers on this subject have given to this great moral law of nature three characters, which make it still more appropriate as a system for the government of a universal, ancient and unchangeable institution; for it is said in the first place to be eternal, having always existed—an "æternum quiddam," as Cicero calls it—an eternal something, coeval with God. Next, it is universal; all mankind, of every country and religion, being subject to it, whence the Roman historian appropriately calls it "jus hominum," or the law of men. And lastly, it is immutable, which immutability necessarily arises from the immutability of God, the author of the law.

This moral law of nature being the code adopted for the government of the Masonic fraternity, it is proper that some inquiry should be made into the nature of the duties which it enjoins, and the acts which it prohibits.

And, in the first place, the very existence of the law implies the existence of a Supreme Power, who must have enacted it, and of a responsibility to him for obedience to it. And hence the same charge which commences by declaring that a Mason is bound to obey the moral law, continues the precept by asserting, that if he rightly understands the art, he will never be a stupid atheist, nor an irreligious libertine. Atheism, therefore, which is a rejection of a Supreme, superintending Creator, and irreligious libertinism, which, in the language of that day, signified a denial of all moral responsibility, are offences against the moral law, because they deny its validity and contemn its sanctions; and hence they are to be classed as Masonic crimes. This is the only point of speculative theology with which Masonry interferes. But here it is stern and uncompromising. A man must believe in God, and recognize a moral responsibility to him, or he cannot be made a Mason; or, if being made, he subsequently adopts these views, he cannot remain in the Order.

Again: the moral law inculcates love of God, love of our neighbor, and duty to ourselves.* Each of these embraces other incidental duties which are obligatory on every Mason. Thus, the love of God implies that we should abstain from all profanity and irreverent use of his name. The being whom we truly love, we cannot treat with disrespect. I know indeed of no offence more directly opposed to the whole spirit of the institution than a profane use of that holy name, which is the most important feature of the system of Masonry, as the all-pervading symbol of that Divine truth which it is the professed object of every Mason to discover. Profanity in a Mason, therefore, while it is an insult to the majesty of our Maker, is also an irreverence for the religious design of the Masonic science, and as such is a Masonic crime.

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* It is singular how, without any concert, the writers on natural law arrive at precisely the same results which are to be found in our old Charges and Constitutions and ritual precepts. GROVE says, "The three prime laws deducible from hence are the love of God, the love of our fellow-creatures, and the regular management of our self-love."—*Mor. Phil.* ii. 190. Now, compare this with the Charge to an Entered Apprentice: "There are three great duties which as Masons you are charged to inculcate—to God, your neighbor, and yourself."—WEBB, p. 45.

Universal benevolence, which Bishop Cumberland calls "the prime law of nature," is the necessary result of love of our neighbor. Cruelty to one's inferiors and dependents, uncharitableness to the poor and needy, and a general misanthropical neglect of our duty as men to our fellow, beings, exhibiting itself in extreme selfishness and indifference to the comfort or happiness of all others, are offences against the moral law, and therefore Masonic crimes. Job, in one of his affecting remonstrances, has beautifully enumerated the vices which flow from a want of sympathy with our fellow-beings, any one of which would, if committed by a Mason, be a fitting cause for the exercise of Masonic discipline. "If I have withheld the poor from their desire, or have caused the eyes of the widow to fail; or have eaten my morsel myself alone, and the fatherless have not eaten thereof; if I have seen any perish for want of clothing, or any poor without a covering; if his loins have not blessed me, and he were not warmed with the fleece of my sheep, then let evil overtake me."*

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* Job, chap. xxxi. 16–20.

Justice, which the civil law defines to be "a constant and prevailing desire to give every one his just due,"* is another necessary result of love of our neighbor. As one of the cardinal virtues, the candidate is instructed in the ritual of the first degree "never to deviate from its minutest principles." Injustice, therefore, in every form in which one man can do wrong to another, is a violation of the moral law, and a Masonic crime.

Lastly, from our duty to ourselves result all those virtues, the practice of which enables us to discharge the obligations we owe to society, our family, and our friends. In neglecting this duty, by abusing the bounties of Providence, by impairing our faculties, by irregularity, and debasing our profession by intemperance, we violate the moral law, and are guilty of Masonic crime.

Next to violations of the moral law, in the category of Masonic crimes, are to be considered the transgressions of the municipal law, or the law of the land. The jurists divide all wrongful acts into two classes—*mala in se* and *mala prohibita*. A *malum in se*—an evil in itself—is that which is universally acknowledged to be such among all civilized men. It is, in fact, a violation of the moral law of nature. Of this class are murder, theft, and similar crimes. A *malum prohibitum*—a prohibited evil—is that which has been conventionally made so by the enactment of the law ; so that what is *malum*

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* "Justitia est constans et perpetua voluntas jus suum cinque tribuendi."—*Just.* I. 1.

prohibitum in one country, is no evil at all in another. Such, are violations of the game laws in England, or the selling of liquor without a license. Now, of course all *mala in se* are crimes in Masonic jurisprudence, because they are violations of the moral law. But *mala prohibita* are not necessarily so, and would not be considered as such, if it were not for the relation that the laws of Masonry bear to the laws of the land. Obedience to constituted authority is one of the first duties which is impressed upon the mind of the candidate,* and hence he who transgresses the laws of the government under which he lives, violates the teachings of the Order, and is for this cause justly obnoxious to Masonic punishment.

It may appear at first sight to be a violation of the great principles of justice to punish a man a second time for the same offence, and it may therefore be supposed that when a Mason has once undergone the penalty of the laws of his country, he should not be again tried and punished in his Lodge for the same crime. But this is not the theory upon which Masonic punishment is inflicted in such cases. When a Mason violates the laws of his country, he also commits a Masonic crime; for, by his wrong doing, he not only transgresses the Masonic law of obedience, but he also "brings shame upon the craft." Of this crime the laws of the country take no cognizance; and it is for this alone that he is to be tried and punished by a Masonic tribunal.

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* "In the state, you are to be a quiet and peaceful subject, true to your government, and just to your country; you are not to countenance disloyalty or rebellion, but patiently submit to legal authority, and conform with cheerfulness to the government of the country in which you live."—*Charge to an Entered Apprentice.* WEBB, p. 45.

And from this arises an important principle of Masonic law. If A shall have been tried and convicted of a crime in the courts of his country, charges may be preferred against him in his Lodge for conduct unbecoming a Mason; and on the trial it will not be necessary to introduce testimony to prove the commission of the act, as was done in the temporal court. It will be sufficient to adduce evidence of his conviction, and the fact of this conviction will be alone a good reason to render him obnoxious to a Masonic penalty. He has, by the conviction, brought "shame upon the craft," and for this he shall be punished. It is true that there may be cases in which it is apparent that the conviction in the court was an unjust one, or there may be palliating circumstances, which, without affecting the results in law, would tend greatly to mitigate the heinousness of the transaction. But the burthen of showing these palliating or mitigating features will lie upon the accused. Unless he can show cause to the contrary, he must be punished for having, by his bad conduct, brought censure and reproach on the fraternity.*

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* "Masons," said the Grand Orator of Texas. (Bro. JAMES B. LIKENS) in 1856, "should so live and act as to be far above the taint of moral reproach, and their course should be such as to reflect bright lustre upon the principles they profess, that our institution may increase in the esteem of the good, and an eternal silence be imposed on the envenomed tongue of ignorant and malicious opposition." It is for disobedience to this wholesome precept that the wrong-doing Mason must be punished.

But these remarks are only applicable to convictions of crimes which are of an infamous or ignominious character; for, where the offence is not against the moral law, but is simply a *malum prohibitum*, or is not of such a nature as to bring with it loss of reputation to the offender, then the Masonic Order will, in most cases, be satisfied that the courts shall vindicate themselves, and will not interfere, except in special instances, to exercise Masonic jurisdiction. Thus, in the instance of a simple assault, in retaliation for injurious words, where one party only is a Mason, although the municipal law will not consider any words as a justification, and will proceed to conviction, still, as the offence is not infamous, nor the punishment ignominious, and the character of the Order does not need to be vindicated, the Lodge will not take cognizance of the act. The simple rule is, that where the crime is not against the moral, as well as the municipal law, the Order will not exercise jurisdiction over the offender, unless it is required for the vindication of the character of the institution, affected through the wrong-doing of one of its members.

Again: the Order will take no cognizance of ecclesiastical or political offences. And this arises from the very nature of our society, which eschews all controversies about national religion or state policy.* Hence apostasy, heresy and schisms, although considered in some governments as heinous offences, and subject to severe punishment, cannot become the foundation of a charge in a Masonic Lodge.

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* See the Charges of 1722, vi. 2 *ante* p. 64

Treason and rebellion also, because they are altogether political offences, cannot be inquired into by a Lodge; and although a Mason may be convicted of either of these acts in the courts of his country he cannot be masonically punished; and notwithstanding his treason or rebellion, his relation to the Lodge, to use the language of the old Charges, remains indefeasible.*

Lastly, in reference to the connection of the laws of the land with those of Masonry, it must be stated that an acquittal of a crime by a temporal court does not relieve a Mason from an inquisition into the same offence by his Lodge; for acquittals may be the result of some technicality of law, or other cause, where, although the party is relieved from legal punishment, his guilt is still manifest in the eyes of the community; and if the Order were to be controlled by the action of the courts, the character of the institution might be injuriously affected by its permitting a man who had escaped without honor from the punishment of the law, to remain a member of the fraternity. In the language of the Grand Lodge of Texas, "an acquittal by a jury, while it may, and should, in some circumstances, have its influence in deciding on the course to be pursued, yet has no binding force in Masonry. We decide on our own rules, and our own view of the facts."*

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* This doctrine is explicitly set forth in the old Charges approved in 1722, chap. ii. See *ante* p. 56. The wisdom of this Regulation will be apparent when we consider that if treason and rebellion were Masonic crimes, almost every Mason in the United Colonies, in 1776, would have been subject to expulsion, and every Lodge to a forfeiture of its warrant by the Grand Lodges of England and Scotland, under whose jurisdiction they were at the time

The last class of crimes which are cognizable by a Masonic tribunal, are violations of the Landmarks and Regulations of the Order. These are so numerous that space cannot be afforded for even a bare catalogue. Reference must be made only to a few of the most important character.

A disclosure of any of the secrets which a Mason "has promised to conceal and never reveal," is a heinous crime, and one which the monitorial lecture of the first degree expressly says, "would subject him to the contempt and detestation of all good Masons."†

Disobedience and want of respect to Masonic superiors, is an offence for which the transgressor subjects himself to punishment.‡

The bringing of "private piques or quarrels" into the Lodge is strictly forbidden by the old Charges, and the violation of this precept is justly considered as a Masonic offence.

A want of courtesy and kindness to the brethren,§

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* Rep. of Com. on Grievances and Appeals of G. L. of Texas. 1856. Proc. vol. ii. p. 273.

† WEBB, p. 42.

‡ "These rulers and governors, supreme and subordinate, of the ancient Lodge, are to be obeyed in their respective stations by all the brethren . . . , with all humility, reverence, love and alacrity."—*Charges of* 1722, chap. iv *ante* p. 57.

§ "Every Mason shall cultivate brotherly love."—*Old York Constitutions* point 1. The doctrine is constantly taught in all the old Constitutions.

speaking calumniously of one behind his back,[*] or in any other way attempting to injure him,[†] is each a violation of the precepts of Masonry, and should be made the subject of investigation.

Striking a Mason, except in self-defence, is a heinous transgression of the law of brotherly love, which is the foundation of Masonry. It is not, therefore, surprising that the more serious offence of duelling among Masons has been specifically condemned, under the severest penalties, by several Grand Lodges.

The ancient Installation Charges in the time of James II., expressly prohibit a Mason from doing any dishonor to the wife or daughter of his brother;[‡] but it is scarcely necessary to remark that still higher authority for this prohibition may be found in the ritualistic Landmarks of the Order.

Gambling is also declared to be a Masonic offence in the old Charges.[§]

As I have already said, it would be possible, but hardly necessary, to extend this list of Masonic offences against the Constitutions and Regulations of the Order. They must be learned from a diligent perusal of these documents, and the study of the Landmarks and ritualistic observances. It is sufficient to say that whatever is a violation of fidelity to solemn engagements, a neglect of prescribed duties, or a transgression of the cardinal principles of friendship, morality and brotherly love, is a Masonic crime, and renders the offender liable to Masonic punishment.

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[*] "If a Mason live amiss, or *slander his brother*, so as to bring the craft to shame, he shall have no further maintenance among the brethren."—*Ibid*, point 10.

[†] "A Mason shall not deny the work of a brother or fellow, but shall deal honestly and truly by him."—*Ibid*, art. 12.

[‡] "Ye shall not take your fellow's wife in villainy, nor deflower his daughter or servant, nor put him to disworship."—*Anc. Inst. Charges*, 5. See *ante* p. 50.

[§] "A Mason must be no common player at the cards, dice, or hazard."—*Ancient Charges at Makings*, 8; *ante* p. 51.

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CHAPTER II

Masonic Punishments.

THE object of all punishment, according to the jurists, is twofold : to vindicate the offended majesty of the law, and to prevent its future violation by others, through the impressive force of example. In reference to this latter view, it is reported of Lord Mansfield that on a certain occasion he said, "A man is not hung because he has committed a larceny, but he is hung that larcenies may not be committed." This is perhaps the most humane and philosophical principle on which the system of punishments can be founded. To punish merely as a satisfaction to the law, partakes too much of the nature of private retaliation or revenge, to be worthy of a statesmanlike policy.

But in the theory of Masonic punishments, another element is to be added, which may readily be conjectured from what has already been said on the subject of crimes in the last chapter. Punishment in Masonry is inflicted that the character of the institution may remain unsullied, and that the unpunished crimes of its members may not injuriously reflect upon the reputation of the whole society.

The right, on the part of the Masonic Order, to inflict punishment on its members, is derived from the very nature of all societies. "Inasmuch," says President Wayland,* "as the formation of a society involves the idea of a moral obligation, each party is under moral obligation to fulfill its part of the contract. The society is bound to do what it has promised to every individual, and every individual is bound to do what he has promised to the society." It is this mutual obligation which makes a violation of a purely Masonic law a penal offence, and which gives to the Lodge the right of imposing the penalty. Protection of the good and punishment of the bad, are a part of the contract entered into by the Order, and each of its members.

But the nature of the punishment to be inflicted is restricted within certain limits by the peculiar character of the institution, which is averse to some forms of penalty, and by the laws of the land, which do not give to private corporations the right to impose certain species of punishment.

The infliction of fines or pecuniary penalties has, in modern times at least, been considered as contrary to the genius of Masonry, because the sanctions of Masonic law are of a higher nature than any that could be furnished by a pecuniary penalty. The imposition of a fine for transgression of duty, would be a tacit acknowledgment of the inadequacy of those sanctions, and would hence detract from their solemnity and binding nature.*

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* Elements of Moral Science, p. 335.

Imprisonment and corporal punishment are equally adverse to the spirit of the institution, and are also prohibited by the laws of the land, which reserve the infliction of such penalties for their own tribunals.

Masonic punishments are therefore restricted to the expression of disapprobation, or the deprivation of Masonic rights, and may be considered under the following heads:

1. Censure;
2. Reprimand;
3. Exclusion;
4. Suspension, Definite or Indefinite;
5. Expulsion.

To each of these a distinct section must be allotted.

SECTION I.

MASONIC CENSURE.

In the canon law, ecclesiastical censure was a penalty which carried with it a deprivation of communion, or, in the case of clergymen, a prohibition to exercise the sacerdotal office.

But in Masonic law, it is the mildest form of punishment that can be inflicted, and may be defined to be a formal expression of disapprobation, without other result than the effect produced upon the feelings of him who is censured.

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* Except in a single article of the Gothic Constitutions of 926, I do not find in any of the old Constitutions, Regulations and Charges, the remotest reference to a pecuniary penalty for the breach of any Masonic duty.

The censure of a member for any violation of duty is to be adopted in the form of a resolution, which simply expresses the fact that the Lodge disapproves of his conduct in the particular act. It may be adopted by a bare majority, and effects no deprivation of Masonic rights or Masonic standing. Inasmuch, however, as it is a penalty inflicted for an offence, although a very light one, it is due to comity and the principles of justice, that the party towards whom the censure is to be directed should be notified of the fact, that he may have an opportunity to defend himself. A member, therefore, wishing to propose a vote of censure, should always give notice of the same; or, what amounts to the same thing, the resolution of censure should never be proposed and acted on at the same meeting.

It is competent for any member, in the same way, and on notice given, to move the revocation of a vote of censure; and the Lodge may, at any regular communication, reverse such a vote. It is always in the power of a Lodge to retrace its steps when an act of injustice is to be redressed.

SECTION II.

REPRIMAND.

Reprimand is the next grade of Masonic punish ment, and may be defined as a severe reproof for some fault formally communicated to the offender

It differs from censure in this, that censure is simply the expression of an opinion in relation to certain conduct, while reprimand is an actual punishment inflicted on the offender by some officer appointed for that purpose.

Censure, as I have already said, may be expressed on a mere motion, and does not demand the forms of trial, although the party against whom it is proposed to direct the censure should always have an opportunity of defending his conduct, and of opposing the motion for censure.

But reprimand cannot be predicated on a mere motion. It must be preceded by charges and a trial. I suppose, however, that a mere majority will be competent to adopt a sentence of reprimand.

Reprimand is of two kinds, private and public—the latter of which is a higher grade of punishment than the former. Private reprimand is generally communicated to the offender in the form of a letter. Public reprimand is given orally in the Lodge, and in the presence of all the brethren. The mode and terms in which the reprimand is to be communicated are of course left to the discretion of the executive officer; but it may be remarked that no additional ignominy should be found in the language in which the sentence of the Lodge is communicated. The punishment consists in the fact that a reprimand has been ordered, and not in the uncourteous terms with which the language of that reprimand may be clothed. But under particular circumstances the Master may find it expedient to dilate upor the nature of the offence which has incurred the reprimand.

The Master of the Lodge is the proper person to whom the execution of the reprimand should be intrusted.

Lastly, a reprimand does not affect the Masonic standing of the person reprimanded.

SECTION III.

EXCLUSION.

In the Grand Lodge of England, the word *exclusion* is technically used to express the act of removing a Mason from a private Lodge, by the act of the Lodge itself, or of a Provincial Grand Lodge, while *expulsion* is employed to signify the same act when performed by the Grand Lodge.* But in this country, this use of the word is not known.

Exclusion, under the American law of Masonry, may be briefly defined to be a deprivation of the rights and benefits of Masonry, so far as they relate to any particular Lodge, but not to the whole fraternity. It is of two kinds, *temporary* and *permanent*, each of which must be separately considered.

1. *Temporary Exclusion.*—A violation of the rules of order and decorum, either in a member or visitor, subjects such offender to the penalty of ex-

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* "The term *expelled* is used only when a brother is removed from the craft by the Grand Lodge. In a district Grand Lodge, or upon removal of a brother from a private Lodge, the term *excluded* only is applicable."—*Const. G. L. of England,* 1847, page 67, note.

clusion for that communication from the Lodge. It may be inflicted either by a vote of a majority of the Lodge, or, as is more usually done, by the exercise, on the part of the Master, of his prerogative; for the Master of every Lodge has the inherent privilege to exclude any person from visiting the Lodge, or remaining during the communication, if his presence would be productive of injury to the Order, by impairing its harmony or affecting its peaceful pursuit of Masonic labor. If a Mason, whether he be a member or a visitor, apply for admission, the Master, if he knows or believes that the admission of the applicant would result in the production of discord, may exclude him from entrance; and this prerogative he exercises in virtue of being the superintendent of the work. But this prerogative has already been discussed in preceding pages of this work, to which the reader is referred.*

If a member or visitor shall behave in an unbecoming and disorderly manner, he may be excluded for that communication, either by the Master or the Lodge. The Master possesses the power of exclusion on such an occasion, under the prerogative to which reference has just been made; and the Lodge possesses the same right, by the especial sanction of the ritual, which, at the very opening of the Lodge, forbids all "immoral or unmasonic conduct, whereby the peace and harmony of the Lodge may be impaired, under no less a penalty than the by-laws may impose, or a majority of the brethren present see fit to inflict."

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* See *ante* p. 208, and p. 348

The command of the Master, therefore, or the vote of a majority of the Lodge, is sufficient to inflict the penalty of temporary exclusion. The forms of trial are unnecessary, because the infliction of the penalty does not affect the Masonic standing of the person upon whom it is inflicted. An appeal, however, always lies in such cases to the Grand Lodge, which will, after due investigation, either approve or disapprove of the action of the Lodge or the Master, and the vote of censure or disapprobation will be, of course, from the temporary nature of the penalty, the only redress which a Mason, injured by its wrongful infliction, can obtain.

2. *Permanent Exclusion.*—This penalty is, in this country, only inflicted for non-payment of arrears, and is more usually known as the act of *striking from the roll.* There are a few Grand Lodges which still permit the punishment of suspension to be inflicted for non-payment of arrears; but the good sense of the fraternity is rapidly leading to the conclusion, that the infliction of such a penalty in these cases—a penalty severing the connection of the delinquent with the whole Order, for an offence committed against a particular Lodge—an offence, too, involving no violation of the moral law, and which is, in many instances, the result rather of misfortune than of a criminal disposition—is oppressive, and altogether opposed to the equitable and benign principles of the Masonic institution.

Hence erasure from the roll, or, in other words, permanent exclusion, is now beginning to be considered as the only adequate punishment for an omission to pay the annual tax imposed by every Lodge on its members.*

I say that suspension is an oppressive and inadequate penalty for the offence of non-payment of dues, and it is perhaps proper that this position, as it is contrary to the practical views of a few Grand Lodges, should be maturely examined.

This striking of names from a Lodge roll is altogether a modern practice, taking its rise since the modern organization of permanent Lodges. In ancient times, Lodges were temporary associations of Masons for special and limited purposes. Originally, as Preston informs us, " a sufficient number of Masons, met together within a certain district, with the consent of the sheriff or chief magistrate of the place, were empowered to make Masons, and practise the rights of Masonry without warrant of constitution." Then, of course, there being no permanency of organization, there were no permanent members, and consequently no payment of arrears, and no striking from the roll. It was only after

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* Thus, the Grand Lodge of South Carolina, in 1845, adopted a regulation, declaring that " the penalty of expulsion for non-payment of arrears is abrogated by this Grand Lodge, and the only punishment to be hereafter inflicted for such defalcation shall be a discharge from membership." And the Constitution of the Grand Lodge of New York (1854) prescribes, that " arrears for one year's dues shall subject a member to be stricken from the roll of his Lodge ; . . . . . and the member shall thereupon become non-affiliated ; but no act of censure, suspension or expulsion, shall be pronounced thereon for non-payment of dues only."

1717, that all these things were introduced; and as Lodges pay some contribution to the Grand Lodge for each of their members, it is evident, as well as from other palpable reasons, that a member who refuses or neglects to support the general Lodge fund, will become pecuniarily onerous to the Lodge. Still, the non-payment of arrears is only a violation of a special voluntary obligation to a particular Lodge, and not of any general duty to the fraternity at large. The punishment therefore inflicted (if it is to be considered at all as a punishment,) should be exclusion or erasure from the roll, which only affects the relations of the offender with his own Lodge, and not suspension, which would affect his relations with the whole Order, whose moral code he has not violated.

Does striking from the roll, then, impair the general rights of a Mason? Are its effects, even in a modified form, similar to those of suspension or expulsion, and is his standing in the Order affected by the erasure of his name? Bro. W. M. Perkins, the late able Grand Master of the Grand Lodge of Louisiana, writing on this subject in his annual address in 1858, said, that "striking his name from the roll of the members of the Lodge, under a by-law, does not affect a brother's standing in the fraternity, nor debar him from any of the privileges of Masonry, except that of membership in the particular Lodge."*

I cordially concur with Bro. Perkins in this view.

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* Proc. G. L. of Louisiana, 1858.—*Grand Master's Address.*

I cannot for a moment suppose that a transgression of the by-laws of a particular Lodge, involving no moral turpitude, and violating no general law of the Order, can have any effect on the relations of the transgressor with the Order. He who is excluded from membership in his Lodge, for not complying with the rule which levies a tax upon him, loses, of course, his membership in that Lodge; but his membership in the great body of the craft, against whom he has committed no offence, still remains unimpaired.

But he loses something. He is, to a certain extent, shorn of his Masonic privileges; for he forfeits the right of membership in his own Lodge, and with it all the other rights which are consequent on such membership. And hence the question naturally arises, can he be deprived of this right of membership—can his name be stricken from the roll—by the mere operation of a by-law, without any form of trial, and without any opportunity for defence or explanation?

Now, to say nothing of the injustice which is in many instances perpetrated when a Mason is stricken from the roll of his Lodge for non-payment of dues—since the omission to pay may often arise from poverty, misfortune, excusable neglect, or other causes beyond the control of the delinquent—to say nothing of all this—because the question here is not as to the nature of the offence, but as to the mode in which punishment is to be inflicted—it follows, from all the recognized principles of justice, law and common sense, that the crime should be first proved, and the accused be heard in his defence, before judgment be pronounced against him.

The erasure of a member's name, by the mere operation of a by-law of his Lodge, without any opportunity being given to him to explain or defend his conduct—to offer reasons why the law should not be enforced in his case, or to prove that he has not violated its provisions, would, under any other circumstances, and in relation to any other offence, be at once admitted everywhere to be a most manifest violation of all Masonic law and equity. If the by-laws of a Lodge, for instance, prescribed erasure for habitual intemperance, and required the Secretary to keep a record of the number of times that each member exceeded the strict limits of sobriety, who will dare to say that at any time, on the mere report of the Secretary that a member had violated this by-law, and was habitually intemperate, he should at once, without further action, and by the mere operation of the by-law in question, be stricken from the roll of his Lodge? There is no one who does not see the obvious necessity, in such a case, of a charge, a summons, and a trial. To exclude the worst member of a Lodge under such a by-law, without these preliminary measures, would be so fatal a violation of the principles of Masonry, as justly to subject the Lodge to the severest reprehension of the Grand Lodge.

And yet the fact that the offence is not intemperance, but non-payment of arrears, does not in the slightest degree involve a difference of principle. Admit, for the sake of argument,* that the failure to pay Lodge dues is in itself a Masonic offence, and that a Lodge is right to declare exclusion an appropriate punishment for its commission, still there exists here, as in the more undoubted crime of habitual drunkenness, as necessary elements to the justice of the punishment, that there should be a charge, a summons and a trial—that the defaulting brother should have an opportunity to defend himself, and that the Secretary who accuses him should be made to prove the truth of his charge, by the correctness of his accounts. It is the Magna Charta of Masonic liberty "that no Mason can be punished or deprived of any of the privileges of Masonry, except upon conviction after trial;" and to this, in every other case, except non-payment of arrears, there will not, I suppose, be a single dissenting voice in the whole body of the craft. It is time that, guided by the dictates of sound justice and good common sense, this exception should no longer be made. It is time that the Mason should no longer be permitted to say, as a reproach to the consistency of our legal code, "I may lie, I may steal, nay, I may commit murder, and my Lodge will not and dare not deprive me of my Masonic privileges, except after a conviction derived from an impartial trial; but if I omit to pay the Secretary a few dollars, then, upon his mere report, without any opportunity given me to show that the omission was the result of ignorance, of poverty, of sickness, or of misfortune, I may, without trial and with no chance of defence, be visited with the severe penalty of Masonic exclusion."

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* I use this qualifying phrase, because it is evident, that in cases of poverty, misfortune, or other unavoidable inability, non-payment of arrears is not a Masonic offence, nor an offence of any kind. And when it can be proved that the omission to pay arises from an intention to defraud the Lodge of its just dues, or from any similar cause, then a new offence is generated, of which the Lodge should take cognizance, under a distinct charge. In all that has been here said of non-payment of dues, it is viewed simply as a debt, the obligation to discharge which is admitted, but the criminality of not complying with which obligation is not always evident, nor necessarily to be assumed.

If, then, it be admitted, as I presume it will, that expulsion or suspension cannot be inflicted without trial, and that, simply because it is a punishment, and because punishment should always follow, and not precede conviction, then to strike the name of a member from the roll of his Lodge, would be equally as illegal, unless he were called upon to show cause why it should not be done. The one principle is strictly analogous with the other. If you cannot suspend without trial, neither can you strike from the roll without trial. It is unnecessary, therefore, to extend the argument; but I suppose that the postulate will be granted under the general axiom, that no punishment whatsoever can be inflicted without preliminary trial and opportunity for defence.

And therefore it may be laid down as Masonic law, that no member should be stricken from the roll of his Lodge, except after due notice given to him, and opportunity afforded for defence; after which it is generally held, that a vote of the majority will be sufficient to put the by-law in force, and declare the penalty of exclusion.

SECTION IV.

SUSPENSION.

We have now arrived, in the course of our investigations, at a class of punishments which affect the standing in the Order of the persons upon whom they are inflicted. Of these the least, and therefore the first to be considered, is suspension.

Suspension may be defined to be a temporary privation of the rights and privileges of Masonry. This privation may be for a fixed or an indeterminate period, whence results the division of this class of punishments into two kinds—definite and indefinite. The effect of the penalty is, for the time that it lasts, the same in both kinds; but as there are some differences in the mode in which restoration to rights is to be effected in each, a separate consideration will be required.

Definite Suspension.—By definite suspension, is meant a deprivation of the rights and privileges of Masonry for a fixed period of time, which period is always named in the sentence. By the operation of this penalty, a Mason is for the time prohibited from the exercise of all his Masonic privileges. His rights are placed in abeyance, and he can neither visit Lodges, hold Masonic communication, nor receive fraternal relief, during the period for which he has been suspended.

But he is still a Mason. By suspension, as by the "relegatio" of the Roman law, Masonic citizenship is not lost, although the exercise of its rights and duties is temporarily interdicted. And therefore, as soon as the period limited by the sentence has expired, the Mason at once resumes his former position in the Order, and is reinvested with all his Masonic rights, whether those rights be of a private or of an official nature.

Thus, if an officer of a Lodge has been suspended for three months from all the rights and privileges of Masonry, a suspension of his official functions also takes place. But a suspension from the discharge of the functions of an office is not a deprivation of the office; and therefore, as soon as the three months to which the suspension had been limited have expired, the brother resumes all his rights in the Order and the Lodge, and with them, of course, the office which he had held at the time that the sentence of suspension had been inflicted.

No sentence of suspension can be imposed upon any Mason, except after the most solemn forms of trial, and then only by the concurring vote of two-thirds of the members present.

It is impossible to define, in a work on the general principles of law, which is the nature and degree of the offences for which suspension would be considered as an appropriate punishment. The Grand Lodge of New York has declared that it is only to be inflicted "where the offence is against some police or temporary regulation of the fraternity.'

If any rule is to be prescribed on the subject, this is perhaps the best; but in fact, the apportionment of the punishment to the crime, in all violations of the Masonic law, is to be left to the sound discretion of the Lodge which has tried the case; and in every trial there will, of necessity, appear many qualifying circumstances peculiar to each transaction, which must control and direct the court in its infliction of punishment.

Restoration from definite suspension may take place in two ways. First, by a vote of the Lodge, abridging the period of suspension and restoring the party before the term of suspension has expired. This may be considered in the light of a pardon; and this clemency it is the prerogative of the Lodge to exercise, under the necessary restrictions that the restoration is made at a regular communication of the Lodge, and by a vote of two-thirds of those present; for, as it required that number to impose the sentence, it will not be competent for a less number to reverse it. But due notice, at least one month previously, should be given of the intention to move for a restoration, because the reversal of a sentence is an unusual action, and the members will, by such notice, be enabled to be present and to express their views, while a sudden motion, without due notice, would take the Lodge by surprise, and surprises are as contrary to the spirit of Masonic as they are of Municipal law.

In the next place, and this is the most usual mode, restoration from definite suspension results from the natural expiration of the period fixed by the sentence. Thus, if on the 1st day of January, a member be suspended for three months, that is to say, until the 1st day of April, then on the 1st of April, he at once, and by the mere operation of the law, becomes a restored Mason. No vote of the Lodge is necessary; for its previous action, which had declared him to be suspended until the 1st of April, included the fact that he was not to be suspended any longer;* and therefore, on the 2d of April, he is, by the expiration of his sentence, in good standing. No vote of the Lodge is therefore necessary to restore one, who has been definitely suspended, at the expiration of his sentence; but he at once, by the very terms of that sentence, takes his place as a Mason restored to all his rights.

In former works, I had very elaborately considered the question, but it is scarcely necessary to repeat, in this place, anything more than the general conclusion; and besides, I confess that there is some difficulty in adducing arguments to prove that suspension for three months means suspension for three months, and no more. It is difficult to prove all truisms. The ingenious logician may find it a pleasant task to establish some doubtful thesis, but an irksome one to prove that "white is white and black is black." The learned mathematician will delight in demonstrating some abstruse proposition, but will scarcely know how to establish the fact that "things which are equal to the same thing, are equal to each other." So is it equally tedious and unsatisfactory to show, by special arguments, that when the sentence of a Lodge is, that "A B shall be suspended for three months," it means anything more than that, at the expiration of the three months, the suspension shall determine and cease.

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* *Expressio unius est exclusio alterius*—the express mention of one thing implies the exclusion of another. A sentence of suspension for three months excludes the idea of a suspension for even a day longer.

INDEFINITE SUSPENSION.—Indefinite suspension, as the qualifying word imports, is a suspension for a period not determined and fixed by the sentence, but to continue during the pleasure of the Lodge. In this respect only does it differ from the preceding punishment. The position of a Mason, under definite or indefinite suspension, is precisely the same as to the exercise of all his rights and privileges, which in both cases remain in abeyance, and restoration in each brings with it a resumption of all the rights and functions, the exercise of which had been interrupted by the sentence of suspension.

There is, however, a shade of difference between the two punishments—indefinite suspension being inflicted for offences of a more aggravated nature than those for which the penalty of definite suspension is prescribed. It must, of course, be the result of conviction, after due charges and trial, and can only be inflicted by a vote of two-thirds of the members present.

Restoration of an indefinitely suspended member is always by a resolution of the Lodge, and by a vote of two-thirds. This seems to be an unquestionable principle of law; for when a member has been indefinitely suspended, the very word "indefinitely" implies that he may, at any time thereafter, whether it be one month or one year, be restored. No time for his restoration is specified in the terms of the sentence. He is indefinitely suspended—suspended for an uncertain period—that is, during the pleasure of the Lodge. And therefore I hold, that at any regular communication, it is competent for a member to move for a restoration, which motion may be adopted by a concurring vote of two-thirds of the members present.

In this case no previous notice of the intention to move for a restoration is necessary, because no member has a right to plead, that by such a motion he is taken by surprise. The very terms of the sentence of indefinite suspension include the fact that the sentence may, *at any time*, be terminated by the action of the Lodge. Due notice of a regular communication is supposed to be given to every member; and the fact that it is a regular communication is in itself a notice by the by-laws. The restoration of a Mason, suspended for a definite period, before the expiration of his term of sentence, is something that no member has a right to expect; and therefore, as I have already said, a motion for such restoration might act as a surprise. But a member indefinitely suspended is suspended during the pleasure of the Lodge, and it is competent for the Lodge, at any time, to declare that such suspension shall terminate. While, however, such is the legal principle, it is not to be denied that Masonic comity should induce any member about to propose a motion for restoration, to give timely notice of his intention to his brethren, and the restoration itself will be of a much more honorable character when thus made, after due notice, mature consideration, and in a full Lodge, than when suddenly granted, upon a moment's notice, and perhaps at a thinly attended meeting.

Do the annual dues of a member under suspension continue to accrue during his suspension? I should say, clearly not. Dues are paid by members to their Lodges for the enjoyment and exercise of certain rights which pertain to membership. If the exercise of these rights is prohibited, it seems but an equitable conclusion that payment for the exercise of the rights should be suspended with the suspension of the rights themselves. No man should be made to pay for that which he does not receive.

This view is practically adopted everywhere in the case of indefinite suspension; for the Secretary invariably abstains from continuing his account with an indefinitely suspended member, and I see no reason why a different rule should be adopted in reference to members under definite suspension. The two penalties differ only in respect to the extent of time for which they are inflicted, and in the forms to be pursued in acquiring restoration. In all other respects they are precisely alike, and are to be governed by the same principles.

SECTION V.

EXPULSION.

Expulsion is the severest punishment that can be inflicted on a delinquent Mason. If suspension finds its similitude in the imprisonment, or rather, in the banishment of the municipal law, expulsion may as properly be compared to the punishment of death. There is a remarkable coincidence between the sentence of expulsion by Masonic authority and the sentence of death by the law of the land, each of which is "the most terrible and highest judgment" in the respective judicatures. "When it is clear, beyond all dispute," says Blackstone, "that the criminal is no longer fit to live upon the earth, but is to be exterminated as a monster and bane to human society, the law sets a note of infamy upon him, puts him out of its protection, and takes no further care of him than to see him executed. He is then called *attinctus*, stained or blackened."* So, when the sentence of expulsion is pronounced against a Mason, his Masonic existence at once ceases; he is no longer looked upon as a Mason—all communication with him as such ceases, just as much as if he were actually dead. His testimony cannot be taken in a Masonic trial—for, like the felon convicted of a capital crime, he has been attainted, and rendered infamous—his brethren can know him no more. Expulsion is, in one word, Masonic death.

As this penalty is of so severe a nature, rupturing all the ties which bind a Mason to the fraternity, it is evident that it should only be inflicted for the most heinous offences—offences which, in their nature, affect the character, the well-being and the safety of the whole society, and hence the Grand Lodge of New York has very wisely ordered that it shall only follow "a gross violation of the moral law, or the fundamental principles of Masonry, or attempts against any part of the frame-work of its government."* The penalty is not inflicted so much as a punishment of the guilty person, as it is as a safeguard or security of the Order. The object is not to reform an evil, but to prevent its influence on the fraternity. A Mason who habitually transgresses the moral code, or lives in constant violation of the fundamental teachings of the Order, is to the society, what a gangrenous limb is to the body. The incurable wound, says the Roman poet, must be cut off with the knife, lest the healthy part of the body be involved in the disease.† And so the unworthy Mason is to be expelled from the Order, lest his example spread, and disease be propagated through the whole constitution of Masonry. But, in accordance with this principle, expulsion should be inflicted only for offences which affect the security and honor of the whole Order. The remedy should never be applied to transgressions of a subordinate nature, which neither deserve nor require its application.

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* Commentaries, B. iv., ch. 29.

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* Const. G. L. of New York, § 47.

† "——— immedicabile vulnus
Ense recidendum; ne pars sincera trahatur."—OVID. *Met.* I. 190

As this is a penalty which affects the general relations of the offender to the whole body of the craft, and cancels his connection with the Order, it would seen reasonable that it should be inflicted only by the supreme authority, and not by a subordinate Lodge. Hence, the modern Constitutions of English Masonry declare, that "in the Grand Lodge alone resides the power of erasing Lodges, and expelling brethren from the craft; a power which it ought not to delegate to any subordinate authority in England."*

In this country the same theory has always existed and, hence, the Grand Lodges have constantly exercised the prerogative of restoring expelled Masons to the privileges of the Order, but practically, the power of expelling has been vested in the subordinate Lodges. And yet, as I have just observed, the English theory is still retained. The subordinate Lodge tries the accused, and if he is found guilty, pronounces the sentence of expulsion; but this action of the Lodge must be submitted to the Grand Lodge, whose tacit confirmation is given, if there be no appeal; but if there be one, the Grand Lodge will then exercise its prerogative, and review the case, confirming or reversing the sentence of expulsion, as it may deem most proper.

In America, where nearly all the Grand Lodges meet only annually, and where the jurisdiction is often extended over a vast surface of territory, it does seem expedient that the power of conditional expulsion should be vested in subordinate Lodges, but this power can only be a delegated one, for the prerogative of expulsion from the craft was always an inherent one, vested, by the very nature of the institution, the rights of the members, and the nature of the punishment, in the General Assembly. The very fact, as I have elsewhere said,* that expulsion is a penalty, affecting the general relations of the punished party with the whole fraternity, proves that its unconditional and final exercise never could, with propriety or justice, be entrusted to a body so circumscribed in its authority as a subordinate Lodge.

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* Const. G. L. of Eng., 1847, p. 23.

The principle of the law on this subject, appears then to be, in this country, that a subordinate Lodge may try a delinquent and pronounce the sentence of expulsion, but that that sentence must be confirmed by the Grand Lodge, to make it final. This confirmation is generally given by a silent reception of the report of the Lodge; but it is always competent for a Grand Lodge, with, or without an appeal from the punished party, to review the transaction, and wholly or in part to reverse the sentence. But, by the usages of the Order, the sentence of the Lodge will stand until the Grand Lodge has given its decision.

An important question remains to be discussed, which refers not only to the penalty of expulsion, but also to that of suspension. Does suspension or expulsion from a Chapter of Royal Arch Masons a Council of Royal and Select Masters, or an En-

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Lexicon of Freemasonry, Art. *Expulsion.*

campment of Knights Templar, carry with it, as a necessary consequence, suspension or expulsion from symbolic Masonry? To this question, reason and the general usages of the Order lead me, unhesitatingly to reply, that it does not. The converse of the proposition is however true, and suspension or expulsion from a symbolic Lodge is necessarily suspension or expulsion from all the higher bodies.

The principle upon which this doctrine is based is a very plain one. If the axe be applied to the trunk of the tree, the branches which spring out of it, and derive their subsistence through it, must die. If the foundation be removed, the edifice must fall. But a branch may be lopped off and the trunk will still live; the cape-stone may be taken away, but the foundation will remain intact. So, Symbolic Masonry—the Masonry of the Lodge—is the trunk of the tree—the foundation of the whole Masonic edifice. The Masonry of the Chapter or the Council is but the branch which springs forth from the tree, and receives all its nourishment from it. It is the cape-stone which finishes and ornaments the building that rests upon Symbolic Masonry. Hence there is an evident dependence of the higher on the lower degrees, while the latter are wholly independent of, and may exist without the former.

Again, from the very organization of the two institutions, a Chapter is not recognizable as a Masonic body, by a symbolic Lodge. A Master Mason knows technically, nothing of a Royal Arch Mason. In the language of the Order, "he may hear him s to be, but he does not know him so to be," by any of the modes of recognition used in Masonry. "We cannot conceive," say the Committee of Correspondence of the Grand Lodge of Texas," by what sort of legerdemain a Lodge can take cognizance of the transactions of a Chapter, an entirely independent body."* But Chapters, on the other hand, are necessarily cognizant of the existence and the proceedings of Lodges, for it is out of the Lodges that the Chapters are constructed. And, if a Master Mason were expelled from the rights and privileges of Masonry, and if this expulsion were not to be followed by a similar expulsion from the Chapter, then all Master Masons who should meet the expelled Mason in the latter body, would be violating the law by holding Masonic communication with him.

Lastly, under the present organization of Masonry, Grand Lodges are the supreme Masonic tribunals over all Master Masons, but exercise no jurisdiction over Chapters, Councils or Encampments. If, therefore, expulsion from either of these bodies involved expulsion from the Lodge, then the right of the Grand Lodge to hear and determine causes, and to regulate the internal concerns of the institution would be interfered with, by an authority outside of its organization, and beyond its control.

The law may, therefore, be explicitly stated in these terms: suspension or expulsion from a Chapter, Council, or Encampment, does not involve a similar sentence from a symbolic Lodge. But suspension or expulsion from a Lodge, carries with it, *ex necessitate*, suspension or expulsion from every higher degree.

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* Proc. G. L. of Texas, 1854, vol. ii. p. 47.—" How can a Lodge or any member of it legally know what has been done in a Chapter?" . . . " A member of a Lodge has no right to know on what charges a Royal Arch Mason has been tried. Finally, how can a Master Mason *only* know a Royal Arch Mason, as such, *at all?"—Ibid.*

CHAPTER III.

Restoration.

HAVING, in the two preceding chapters, treated of Masonic crimes, and of the punishments which are imposed upon the perpetrators, we are next to inquire into the method by which a mason sentenced to any punishment, which temporarily or permanently severs his connection with the Order, may be reinstated into any or all of his former rights and privileges.

Restoration, as the reinstatement of an excluded, suspended or expelled Mason to his rank in the Order, is techinally called, may be the result of either one of two entirely distinct processes. It may be by an act of clemency on the part of the Lodge, or the Grand Lodge, consequent upon, and induced by the repentance and reformation of the guilty individual. Or it may be by a reversal of the sentence of the Lodge, by the Grand Lodge, on account of illegality in the trial or injustice in the verdict.

Restoration by the first method, which is *ex gratia*, or, as a favor, is to be granted on petition, while restoration by the second method, which is *e debito* *justitiæ*, or as a debt of justice, is to be granted on appeal. The two methods may, therefore, be briefly distinguished as *restoration on petition* and *restoration on appeal.*

In the consideration of this subject, each of these methods of restoration will require to be occasionally borne in mind.

In the case of permanent exclusion, or erasure from the roll of the Lodge, the party is placed in a peculiar position. He is no longer a member of the Lodge, and, unless, on an appeal, he can prove that he has been unjustly or unconstitutionally stricken from the roll, he can be restored only upon petition, and a unanimous acceptance, as in the case of any other Mason applying for membership. Membership having been justly forfeited, can only be recovered under the Regulations of 1721, which require one month's notice and unanimous consent.

Hence, when a member's name is stricken from the roll, for non-payment of arrears, he cannot, by the mere payment of the indebtedness, recover his membership. He acquires, by this payment, a right to a clearance and demit, but not to restored membership; for the exclusion was not a conditional one, dependent on such payment for its termination, but peremptory and unconditional. He was stricken from the roll, and by that act ceased at once and for ever to be a member of the lodge, as much so as if he had demitted.

In the case of definite suspension, as I have already remarked, the termination of the period specified in the sentence is a termination, *ipso facto*, of the suspension, and restoration takes place without any further act on the part of the Lodge. Restoration, on petition or appeal, may take place at any time, by a vote of two-thirds of the members, and after due notice given of the intention to restore.

Restoration, from definite suspension, may also be made by the Grand Lodge, on appeal, where the act of the subordinate Lodge is reversed on account of illegality, or wrongful judgment; and such restoration, of course, annuls the suspension, and restores the party to his former position in the Lodge.

Restoration, from indefinite suspension, may also take place in the same way, either on petition or appeal. But, in this case, due notice is not absolutely required of an intention to move for a restoration, although, as I have already said, courtesy should induce the mover to give notice. Of course, no restoration, either from definite or indefinite suspension, upon petition or appeal, can take place, except at a regular meeting; for, as the sentence must have been decreed at such meeting, the Masonic rule forbids a special meeting to reverse the proceedings of a regular one.

Restoration from expulsion differs from restoration in the other cases, in several important particulars, which, as the subject is now exciting much discussion among the Grand Lodges of this country. require a careful consideration.

In the first place it must be borne in mind, that expulsion completely severs the connection of the expelled individual with the fraternity In the language of Dr. Oliver, " his Masonic status vanishes, and he disappears from the scene of Masonry, as completely as the ripple of the sea subsides after the stately ship has passed over it."* This condition must be constantly remembered, because it has an important influence on the effects of restoration.

On an application for restoration by petition, as a favor, on the showing that the party has repented and reformed, that he has abandoned the criminal course of conduct for which he was expelled, and is now leading an irreproachable life, the Grand Lodge may *ex gratia*, in the exercise of its clemency, extend a pardon and remit the penalty, so far as it refers to expulsion from the Order. But in this case, as there is no question of the original justice of the sentence nor of the legality of the trial, the pardon of the Grand Lodge will not and cannot restore the brother to membership in the Lodge. And the reason of this is plain. The act of the Lodge is admitted to have been legal. Now, while this act dissevered his connection with the Order, it also cancelled his membership in the Lodge. He is no longer a member either of the Order or of the Lodge. The Grand Lodge may restore him to the former, it may restore him to his rights as a Mason, but it must be as an unaffiliated one, because, having by this very act of clemency, admitted that he legally and constitutionally lost his membership, it cannot compel the Lodge to admit him again, contrary to its wishes, into membership, for no man can be admitted a member of a Lodge, without the unanimous consent of all present. Nor can the Grand Lodge interfere with this inherent right of every Lodge to select its own members. Let it be thoroughly understood that the incompetence of the Grand Lodge, in this case, to restore to membership, is founded on the admission that the original sentence was a just one, the trial legally conducted, the testimony sufficient and the punishment not oppressive. The Grand Lodge says, in an instance like this, to the petitioner, "We are induced by your present reform to pardon your past conduct and to restore you once more to the Order; but, as you were justly expelled from your Lodge, and are no longer a member, we have no power to force you upon it. We give you, however, by a restoration to your Masonic status, the privilege that all other unaffiliated Masons possess, of applying to it by petition for admission, with the understanding that you must, as in all such cases, submit to the ordeal of a ballot, but with the result of that ballot we cannot interfere."

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* Institutes of Masonic Jurisprudence, p. 258: London, 1859. Of this work, which has just been issued by Bro. SPENCER, I regret that I have received from the publisher a copy, only while composing these last chapters. Could I have had earlier access to it, it would have afforded me much valuable information on the subject of English Masonic law.

But, in the case of a restoration by appeal, a different condition of things ensues. Here there is no petition for pardon of an offence committed—no admission of the legality of trial—no acknowledg ment of the justice of the sentence inflicted. But, on the contrary, all of these are in the very terms of the appeal denied. The claim is not for clemency, but for justice—not for a remission of deserved punishment, but for a reversal of an iniquitous sentence· and the demand is, that this reversal shall not be decreed *ex gratia*, as a favor, but *debito justitiæ*, by virtue of a claim justly established. Now, in this case it is evident that the rules governing the restoration must entirely differ from those which controlled the former class of cases.

The principle which I lay down on this subject is, that when a Lodge has wrongfully deprived a Mason of his membership, by expulsion from the Order, the Grand Lodge, on his appeal, if it shall find that the party is innocent, that wrong has been inflicted, that by the sentence the laws of the institution, as well as the rights of the individual, have been violated, may, on his appeal, interpose and redress the wrong, not only by restoring him to his rights and privileges as a Mason, but also to membership in the Lodge. This, it seems to me, is the true principle, not only of Masonic law, but also of equity. If a brother be innocent, he must be restored to *everything* of which an unjust sentence had deprived him—to membership in his Lodge, as well as to the general rights of Masonry. I think that I was the first to contend for this principle as a doctrine of Masonic law, although it had always been recognized by the Grand Lodge of England, and in this country by that of South Carolina. At first there was a very general opposition to the doctrine, and the grounds of objection were singularly based on a total misapprehension of that article in the Regulations of 1721, which declares that "no one can be admitted a member of any particular Lodge without the unanimous consent of all the members of that Lodge then present"—a provision which the same article asserts to be "an inherent privilege,not subject to dispensation."

I have said that the application of this regulation to the doctrine of restoration from expulsion, by appeal, is a total misapprehension of its meaning, because the question is not, in these cases, as to the admission of a new member, with which it is not denied that the Grand Lodge cannot interfere, but whether one who is already a member shall be divested of his franchised rights of membership without cause.

It is admitted on all sides that where the restoration is made on petition, simply as an act of clemency, in which case the forfeiture of membership is acknowledged to have been justly and legally incurred, the Grand Lodge cannot restore to membership, because by its act of clemency it admits that the brother is not a member of the Lodge, and it cannot intrude him on the Lodge without its consent. I say that it admits this by its act of clemency, because if he were not justly deprived of his membership, there would have been no room for clemency. Pardon is for the guilty, not for the innocent.

But when it is proved that the trial was illegally conducted—that the testimony was insufficient—that the offence was not proved—that the brother was innocent, and therefore unjustly condemned—who will dare to say that a Lodge may thus, by an arbitrary exercise of power, inflict this grievous wrong on a brother, and that the Grand Lodge has not the prerogative, as the supreme protector of the rights of the whole fraternity, to interpose its superior power, and give back to injured innocence all that iniquity or injustice would have deprived it of? Who will dare to say, in the face of the great principles of justice and equity, that though innocent, a Mason shall receive but a portion of the redress to which he is entitled?—and that he shall be sent from the interposing shield of the supreme authority and highest court of justice of the Order, not protected in his innocence and restored to his rights, but as an innocent man, sharing in the punishment which should only be awarded to the guilty? I, for one, never have subscribed, and never will subscribe, to a doctrine so full of arbitrary oppression and injustice, and which, if it really constituted Masonic law, would be to every honest man the crying reproach of the institution.

I have said that when, several years ago, I first advanced this doctrine of the competency of the Grand Lodge to grant an unconditional restoration to membership, it met with very general condemnation. Here and there a solitary voice was heard in its defence, but officially it was almost universally condemned as an infringement on the rights of Lodges. The rights of members do not seem, on those occasions, to have been at all considered.*

But the doctrine is now gaining ground. In 1857, the Grand Lodge of Missouri carried it into practical operation, and ordered that one of its

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* The first support that was given to these views was by my distinguished friend, ALBERT PIKE, whose remarks on the question, in his report in 1854, to the Grand Lodge of Arkansas, I cannot refrain from citing in a note.

"If, in case of trial and conviction, suspension or expulsion from the rights and benefits of Masonry is adjudged, that includes, as a part of itself, suspension or expulsion from membership. If, on appeal, the Grand Lodge reverses the decision of the subordinate, on the ground of error in proceeding, or innocence, that reversal *annuls* the judgment, and it is as if never pronounced—*non avenu:* consequently it has no effect whatever—and, in Masonic law, the matter stands as if no such judgment had ever been rendered. The accused is not restored to the Order, nor to membership. The effect of reversal is, that he was never suspended or expelled at all, in law: and there is no power in the Grand Lodge, either by the judgment or by previous legislation, to give such judgment of reversal any other or less effect.

"If the Grand Lodge tries the case *de novo*, and adjudges the party innocent, *of course* it must annul the judgment of the subordinate Lodge *in toto;* and if the suspension from membership resulted *solely* from *that* judgment there never was, in law, any suspension.

"If it merely decides that the proceedings were *erroneous*, it should send the case back for another trial; if it decides that the testimony was insufficient to establish guilt, it should reverse and annul, and direct the proceedings to be dismissed. In either case the *judgment* is annulled; but in one case the *proceeding* continues, and in the other it does not.

"But the Grand Lodge may find such a case as that the offence was proven. and the proceedings were regular, except as to the judgment, which *should* have been limited to suspension from membership. In that case it may *partially* reverse and reduce the sentence to its proper dimensions. It can only do that when the offence charged, or a minor one included in it, *is* established, but the punishment of suspension or expulsion from the rights and privileges of Masonry cannot be inflicted for such an offence.

"These principles of Masonic law seem to us so palpably plain and correct as to need no argument; and if violated anywhere, we hope to see the ancient Landmarks set up again in this respect."

Lodges should restore an expelled brother to membership, under penalty of arrest of charter.

In the same year, the doctrine was virtually indorsed by the Grand Lodge of Kentucky, in its approbation of the course of its Grand Master, in deciding that a brother who appealed from expulsion, and after a new trial, had been acquitted, should be restored to membership, notwithstanding the opposition of the Lodge to his re-admission.

And lastly, in 1858, the Grand Lodge of Mississippi has entered into the earnest consideration of the question ; and an able report has been made to that body by Bro. G. M. Hillyer, one of the most enlightened Masons in America, who has eloquently and manfully supported the hitherto unpopular doctrine for which I have been so long contending. From this eloquent, as well as logical report, I shall cite a single paragraph, with which to conclude the subject.

Speaking of the appeal made by a brother expelled from the rights and privileges of Masonry, and concomitantly from membership in his Lodge, Bro. Hillyer says : "The Grand Lodge perhaps acquits him, and then it is, under the present system, that his punishment commences. Whatever the final verdict and decision, the accused brother has to undergo a penalty. If innocent, the smiting is not to be with as many stripes, it is true ; but why with any ? What punishment has an innocent man deserved ? If he is in the right, and his accusers have been in the wrong, what justice is there in saying that he shall only be deprived of half his privileges? Why deprive him of any in that case? Why punish the innocent? Why, above all, have a law that makes the very tribunal that vindicates the innocence of the accused, accompany that vindication with punishment? There is no justice, there can be no expediency in such a course."*

The time will yet come, I am sure, and the expectation is made more certain by such aid, when the universal suffrage of the fraternity will confess the law to be as I have announced it, that in case of unjust expulsion, the Grand Lodge may restore an innocent brother, not only to the rights and privileges of Masonry, but also to membership in his Lodge.

Lastly, a Grand Lodge may restore in part, and not in whole. It may mitigate the amount of punishment, as being too severe or disproportioned to the offence.† It may reduce expulsion to suspension, and indefinite to definite suspension, or it may abridge the period of the last. But all these are matters of justice and expediency, to be judged of by the Grand Lodge, according to the particular circumstances of each case.

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* Proc. G. L. of Miss., 1858, p. 69.

† *Noxiæ pœna par esto*—"let the punishment be equal to the offence," is a maxim of strict justice, common to the Masonic, as well as to every code of law; and hence an oppressive and disproportioned penalty affords good ground for an appeal.

CHAPTER IV.

Penal Jurisdiction.

THE penal jurisdiction of Masonic bodies is that jurisdiction which is exercised by them for the investigation of offences and the award of punishment. The subject is properly divided into two sections—the one relating to the penal jurisdiction of Grand Lodges, the other to that of Subordinate Lodges. The penal jurisdiction of Grand Lodges has already been fully considered under the head of the "Judicial Powers" of those bodies, so that it only remains here to inquire into the penal jurisdiction which is exercised by subordinate Lodges.

The penal jurisdiction of a subordinate Lodge is both geographical and personal.

The *geographical jurisdiction* of a Lodge is that penal jurisdiction which it exercises over the territory within which it is situated, and extends to all the Masons, affiliated and unaffiliated, who live within that territory.

As to the local extent of this jurisdiction, it is universally supposed to extend to a point equally distant from the adjacent Lodge. Thus, if two Lodges are situated within twenty miles of each other, the geographical jurisdiction of each will extend ten miles from its seat in the direction of the other Lodge. But in this case both Lodges must be situated in the same State, and hold their warrants from the same Grand Lodge; for it is a settled point of Masonic law that no Lodge can extend its geographical jurisdiction beyond the territorial limits of its own Grand Lodge.

Thus, if of two Lodges, twenty miles distant from each other, one is situated in Georgia, five miles from the boundary line between that State and Alabama, and the other in Alabama, fifteen miles from the same line, then the jurisdiction of the Georgia Lodge will not cross over the boundary, but will be restricted to the five miles which are between it and the line, while the fifteen miles which are between that line and the Alabama Lodge, will be within the penal jurisdiction of the latter body.

The *personal jurisdiction* of a Lodge is that penal jurisdiction which it exercises over its own members, wherever they may be situated. No matter how far a Mason may remove from the Lodge of which he is a member, his allegiance to that Lodge is indefeasible, so long as he continues a member, and it may exercise penal jurisdiction over him.

With this view of the nature of the two kinds of penal jurisdiction exercised by Lodges, we are prepared to investigate the practical application of the subject.

1. A Lodge exercises penal jurisdiction over all its members. The old Charges require every Mason

to "stand to the award and determination of the Lodge;" that is to say, the Lodge of which he is a member, and the rights and privileges, as well as the Masonic protection secured by such membership, carry with them a corresponding duty of allegiance and obedience. This doctrine is not left to mere deduction, but is supported by the ritual law, which imposes on every Mason, in the most solemn manner, an obligation to abide by and obey the by-laws, rules and regulations of the Lodge, of which he is a member. Membership in a Lodge can only be voided by death, demission, or expulsion, and hence neither it nor the jurisdiction which it communicates is lost by a change of residence.

The Master of a Lodge is the only one of its members who is not amenable to the jurisdiction of the Lodge. There is no principle of Masonic law more completely settled by the almost universal consent of the fraternity, than that which declares that a Master cannot be tried by his Lodge. It may become his accuser, but to the Grand Lodge alone is he amenable for any offence that he may commit while in office.

In like manner, the Grand Master, while holding that office, is not within the penal jurisdiction of the Lodge, of which he is a member.

2. A Lodge exercises penal jurisdiction over all affiliated Masons, although not its members, who live within its territorial limits. *A*, for instance, being a member of a Lodge in New York, but living in the vicinity of a Lodge in Florida, is amenable

to the jurisdiction of both bodies ; to the former by personal jurisdiction, to the latter by geographical. And this is a wise provision of the law ; for *A*, living at a great distance from his own Lodge, might conduct himself in so disorderly a manner, violating the proprieties of life, and transgressing habitually the moral law, as to bring great reproach upon the institution of which he is a member. Now, his distance from his own Lodge would, in all probability, prevent that body from acquiring any knowledge of the evil course he is pursuing, or if cognizant of it by report, it might find great difficulty in proving any charge based upon such report.

The Order, therefore, under the great law o' self preservation, commits to the Lodge in Florida, in whose vicinity he is living, and whose good fame is most affected by his conduct, the prerogative of trying and punishing him ; so that the world shall not say that a bad Mason can lead a disorderly life, and violate the law, under the very eyes of his congregated brethren, and yet receive no reproof for his criminality. And if expulsion is the result of such trial, that expulsion, by the Lodge in Florida, carries with it expulsion from his own Lodge in New York ; for, if the premises are not denied that the Lodge in Florida can rightfully exercise penal jurisdiction, then the conclusion follows, that that expulsion must be legal. But expulsion annuls all Masonic status and obliterates Masonic existence, and the Mason, whoever he may be, that has been legally expelled by one Lodge, can never receive admission into another.

The appeal in such a case will be, not to the Grand Lodge of New York, but to that of Florida, for that body alone can investigate matters or redress grievances arising within its own territory, and in one of its own subordinates.

3. Lastly, a Lodge may exercise penal jurisdiction over all unaffiliated Masons living within its territorial limits. This provision of Masonic law is founded on the same prudent principle of self-preservation as the former. An unaffiliated Mason must not be permitted, for want of jurisdiction over him, to claim his connection with the Order, and yet, by an irregular course of life, to bring discredit on it. The jurisdiction must exist somewhere, which will remove such an evil, and vindicate the institution ; and nowhere can it be more safely or appropriately deposited than in the Lodge which is nearest to his residence, and which must consequently have the best opportunity of observing and judging of his conduct.

CHAPTER V.

Masonic Trials.

It is the duty of a judge, says the great Roman orator, in every cause to seek for truth.* This is the great, the only object of a Masonic trial, and hence, in such a trial, no advantage is ever permitted to be taken of those legal and verbal technicalities, the use of which, in profane courts, so often enable the guilty to escape. This great principle of Masonic law must never be forgotten in the management of a trial. Every part of the investigation is to be directed with a single view to the acquisition of truth. Masonic trials are therefore to be conducted in the simplest and least technical method, that will preserve at once the rights of the Order and of the accused, and which will enable the Lodge to obtain a thorough knowledge of all the facts in the case. The rules by which such trials are governed are few and easily understood.

1. The preliminary step in every trial is the accusation. This, in Masonic language, is called the *charge*.

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* "Judicis est, semper in causis verum sequi."—Cic. *de Off.* ii. 14.

The charge should always be made in writing, signed by the accuser, delivered to the Secretary and read by that officer at the next regular communication of the Lodge. The accused should then be furnished with an attested copy of the charge, and be at the same time informed of the time and place appointed by the Lodge for the trial.

In reference to these preliminary steps, it is necessary to make several remarks.

The charge should set forth the offence with clearness and certainty, and hence it must distinctly specify the nature of the offence ; and if confined to a single transaction, the time and place of its commission should be named. A general charge, for instance, of "unmasonic conduct" should also specify the particular nature of the conduct which is said to be unmasonic ; for no one can be expected to answer to so general an accusation, nor to be prepared with evidence to rebut that of which he is ignorant. No man, in a legal investigation, should be taken by surprise ; but there is no more certain mode of doing so than to call upon him to answer to an indefinite charge, the particulars of which are only to be made known at the moment of trial.

The charge should be delivered to the Secretary, and by him read to the Lodge, because it thus becomes the property of the Lodge, and is not subjected, as it would be, if retained in the possession of the accuser, to alterations or amendments, which would alter its character, either in word or spirit. A charge having been once made, should retain its original form, and cannot be amended, except with the consent of the Lodge and the knowledge of the accused. For a similar reason the charge should always be made in writing. An oral charge must never be received.

It must be read at a regular communication, because it is to be presumed that at such communications all the members, and among them the accused, will be present, whereas the Lodge might be taken by surprise if a charge were preferred at a special communication, which is often thinly attended, and at which no new business of importance is expected to be transacted.

Any Master Mason may be the accuser of another, but a profane cannot be permitted to prefer charges against a Mason. Yet, if circumstances are known to a profane upon which charges ought to be predicated, a Master Mason may avail himself of that information, and out of it frame an accusation, to be presented to the Lodge. And such accusation will be received and investigated, although remotely derived from one who is not a member of the Order.

It is not necessary that the accuser should be a member of the same Lodge. It is sufficient if he is an affiliated Mason. I say an affiliated Mason; for it is generally held, and I believe correctly, that an unaffiliated Mason is no more competent to prefer charges than a profane.

2. If the accused is living beyond the geographical jurisdiction of the Lodge, the charges should be communicated to him by means of a letter through

the post-office, and a reasonable time should be allowed for his answer, before the Lodge proceeds to trial. But if his residence be unknown, or if it be impossible to hold communication with him, the Lodge may then proceed to trial—care being had that no undue advantage be taken of his absence, and that the investigation be as full and impartial as the nature of the circumstances will permit.

3. The trial must commence at a regular communication, for reasons which have already been stated; but having commenced, it may be continued at special communications, called for that purpose; for, if it was allowed only to be continued at regular meetings, which take place but once a month, the long duration of time occupied would materially tend to defeat the ends of justice. And here no one can complain of surprise; for the inception of the trial having taken place at a regular communication, all the subsequent special communications would be considered only as continuations of the same meeting.

4. The Lodge must be opened in the highest degree to which the accuser has attained, and the examinations of all witnesses must take place in the presence of the accused and the accuser, if they desire it.* It is competent for the accused to employ counsel for the better protection of his interests,

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* The Grand Lodge of New York prescribes that the trial shall be conducted by a committee, called a commission. A few other Grand Lodges have, I believe, the same rule. It is of course competent for a Grand Lodge to make such a regulation, but I am of opinion that it is a better course for the Lodge itself to conduct the trial, and this is the more usual course.

provided such counsel is a Master Mason. But if the counsel be a member of the Lodge, he forfeits, by his professional advocacy of the accused, the right to vote at the final decision of the question.

5. The final decision of the charge, and the rendering of the verdict, whatever be the rank of the accused, must always be made in a Lodge opened on the third degree; and at the time of such decision, both the accuser and the accused, as well as his counsel, if he have any, should withdraw from the Lodge.

6. It is a general and an excellent rule, that no visitors shall be permitted to be present during a trial.

7. The testimony of Master Masons is usually taken on their honor, as such. That of others should be by affidavit, or in such other manner as both the accuser and accused may agree upon.

8. The testimony of profanes, or of those who are of a lower degree than the accused, is to be taken by a committee and reported to the Lodge, or, if convenient, by the whole Lodge, when closed and sitting as a committee. But both the accused and the accuser have a right to be present on such occasions.

There can be no doubt that profanes are competent witnesses in Masonic trials. If their testimony was rejected, the ends of justice would, in many instances, be defeated; for it frequently happens that the most important evidence of a fact is only to be obtained from such persons. The great object of the trial is to investigate the truth and to administer justice, and no method should be rejected by which those objects can be attained. Again: there may be cases in which the accused is able to prove his innocence only by the testimony of profanes; and surely no one would be willing to deprive him of that means of defence. But if the evidence of profanes for the accused is to be admitted, on account of its importance and necessity, by a parity of reasoning, it should be admitted when and in behalf of the accuser. The testimony which is good in one case must be good in the other.

9. When the trial is concluded, the accuser and the accused must retire, and the Master will then put the question of guilty, or not guilty, to the Lodge. Masonic authorities differ as to the mode in which the vote is to be taken. In England, it is done by a show of hands. The Grand Lodges of Ohio and South Carolina require it to be by ballot, and that of California by each brother, as his name is called, rising and giving his answer "in a distinct and audible manner." I confess, that in this diversity of authorities, I am inclined to be in favor of the vote by ballot, as the independence of opinion is thus better secured; for many a man who conscientiously believed in the guilt of the accused, might be too timid to express that opinion openly. Not less, I think, than two-thirds of the votes should be required to declare the accused guilty. A bare majority is hardly sufficient to divest a brother of his good character, and render him subject to what

may perhaps be an ignominious punishment. But on this subject the authorities differ.

10. If the verdict is guilty, the Master must then put the question as to the nature and extent of the punishment to be inflicted, beginning with expulsion and proceeding, if necessary, to indefinite suspension and public and private reprimand. To inflict expulsion or suspension, a vote of two-thirds of those present is required, but for a mere reprimand, a majority will be sufficient. The votes on the nature of the punishment should be *viva voce*, or rather, according to Masonic usage, by a show of hands.

Trials in a Grand Lodge are to be conducted on the same general principles; but here, in consequence of the largeness of the body, and the inconvenience which would result from holding the examinations in open Lodge, and in the presence of all the members, it is more usual to appoint a committee, before whom the case is tried, and upon whose full report of the testimony the Grand Lodge bases its action. And the forms of trial in such committees must conform, in all respects, to the general usage already detailed.

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